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Security Council Committee establis
pursuant to resolution 1718 (2006)

Note verbale dated 31 Ma 16 from the Permanent Mission of Japan to the United Na addressed to the Chair of the Committee

The Permanent Mission an to the United Nations has the honour to submit a report to the Counc suant to paragraph 40 of Security Council resolution 2270 (2016) (see ann

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Annex to the note verbale dated 31 May 2016 from the Permanent Mission of Japan to the United Nations addressed to the Chair of the Committee

Report to the Security Council pursuant to paragraph 40 of Council resolution 2270 (2016)

1. The basic position of Japan

The nuclear test by the Democratic People's Republic of Korea on 6 January 2016 and its subsequent ballistic missile launches, including the one on 7 February 2016, are, as clearly expressed by the Prime Minster of Japan, Shinzo Abe, in his statements, totally unacceptable as they constitute direct and grave threats to Japan's security and seriously undermine the peace and security of North-East Asia and the international community. The Prime Minister also stressed that the nuclear test and the ballistic missile launches are clear violations of relevant Security Council resolutions and represent a grave challenge to the authority of the Council and to the international disarmament and non-proliferation regime centred on the Nuclear Non-Proliferation Treaty.

Security Council resolution 2270 (2016), which contains a very tough set of sanctions against the Democratic People's Republic of Korea, is of great significance because it embodies the international community's resolute stance against the Democratic People's Republic of Korea, which has forced through violations, including the launch of a ballistic missile on 7 February and the nuclear test on 6 January. The resolution also highlights Member States' gravest concern over the continued development of the nuclear and ballistic missile programmes of the Democratic People's Republic of Korea. The Government of Japan reiterates that it is extremely important that each Member State swiftly and fully implement the resolution in close coordination with other States to ensure its effectiveness.

Japan has been steadily undertaking measures to implement Security Council resolutions 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013) and 2270 (2016), and strongly urging the Democratic People's Republic of Korea to take concrete actions towards the resolution of outstanding issues of concern, such as the nuclear, missile and abductions issues.

The Government of Japan reaffirms that it will continue to cooperate closely with the Security Council Committee established pursuant to resolution 1718 (2006), as well as the Panel of Experts established pursuant to resolution 1874 (2009), and will contribute to their work.

2. Measures with regard to resolution 2270 (2016)

The Government of Japan has taken the measures set out below to implement resolution 2270 (2016), as well as the newly introduced autonomous measures set out in section 3 of the present report, in addition to Japan's existing measures against the Democratic People's Republic of Korea, which it has already reported to the Security Council (see S/AC.49/2006/10, S/AC.49/2009/7 and S/AC.49/2013/7).

(1) Financial measures:

Paragraph 10:

- The Government of Japan has introduced measures based on the Foreign Exchange and Foreign Trade Act (Act No. 228 of 1948) to prevent the transfer of any financial resources to and from the 16 individuals and the 12 entities designated in annexes I and II to resolution 2270 (2016) (effective on 11 March 2016).

Paragraph 32:

- The Government of Japan, in coordination with other Member States, will designate financial assets and economic resources owned or controlled by entities or individuals related to the Government of the Democratic People's Republic of Korea and the Workers' Party of Korea as subjects of the asset freeze based on the Foreign Exchange and Foreign Trade Act, if it is determined that such financial assets and economic resources are associated with the nuclear or ballistic missile programmes of the Democratic People's Republic of Korea or other activities prohibited under resolutions 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013) and 2270 (2016).

Paragraphs 33, 34 and 35:

- In accordance with resolutions 2094 (2013) and 2270 (2016), banks of the Democratic People's Republic of Korea do not have any existing branches, subsidiaries or representative offices in Japan, nor do financial institutions in Japan maintain correspondent relationships with banks of the Democratic People's Republic of Korea.

- The Government of Japan announced on 11 March 2016 that it would deny, on the basis of the Banking Act (Act No. 59 of 1981), an application for a banking licence to open a branch, a subsidiary or a representative office in Japan by banks of the Democratic People's Republic of Korea, or an application by Japanese financial institutions to open a branch, a subsidiary or a representative office in the Democratic People's Republic of Korea.

- On 11 March 2016, the Government of Japan also formally requested financial institutions in Japan to refrain from any activities prohibited in paragraphs 33 and 34.

- No violation or negligence by Japanese organizations has been observed.

Paragraph 36:

- The Government of Japan had already introduced, on the basis of the Foreign Exchange and Foreign Trade Act, measures to prevent the provision of financial services that could contribute to the nuclear or ballistic missile programmes of the Democratic People's Republic of Korea or other activities prohibited under the relevant resolutions before the adoption of resolution 2270 (2016).

Paragraph 37:

- The Government of Japan had introduced measures based on the Foreign Exchange and Foreign Trade Act to prevent the transfer of precious metal, including gold, that could contribute to the nuclear or ballistic missile

programmes of the Democratic People's Republic of Korea or other activities prohibited under the relevant resolutions before the adoption of resolution 2270 (2016).

- On top of that, the Government of Japan had banned exports and imports of precious metal, including gold, to and from the Democratic People's Republic of Korea, irrespective of its purpose.

Paragraph 38:

- The Government of Japan has appropriately implemented targeted financial sanctions related to proliferation, in compliance with Security Council resolutions.

(2) Measures concerning the movement of persons:

Paragraph 11:

- The Government of Japan has introduced measures to prevent entry into Japan and transit through the Japanese territory of the 16 individuals who were designated in annex I to resolution 2270 (2016) for their relations with the nuclear or ballistic missile programmes or other programmes relating to weapons of mass destruction of the Democratic People's Republic of Korea (effective on 11 March 2016), on the basis of the Immigration Control and Refugee Recognition Act (Cabinet Order No. 319 of 1951).

Paragraphs 13 and 14:

- The Government of Japan will expel non-Japanese individuals, in accordance with applicable national legislation, including the Immigration Control and Refugee Recognition Act, if it is determined that the individual is working on behalf of or at the direction of a designated individual or entity, or individuals assisting the evasion of sanctions or violating the provisions of the relevant resolutions.

Paragraph 15:

- The Government of Japan, if necessary, will take appropriate measures in accordance with applicable national legislation to close the representative offices of designated entities and prohibit designated entities and individuals or entities acting on their behalf or at their direction from participating in joint ventures or any other business arrangements.

(3) Measures concerning the movement of goods and the transfer of technical training, advice, services or assistance:

Paragraphs 6, 7, 8, 27, 29, 30, 31 and 39:

- The Government of Japan has banned any imports from the Democratic People's Republic of Korea since 14 October 2006 and any exports to the Democratic People's Republic of Korea since 18 June 2009, on the basis of the Foreign Exchange and Foreign Trade Act. These measures have prevented the supply, sale or transfer to the Democratic People's Republic of Korea or procurement from the Democratic People's Republic of Korea of any items, irrespective of their purpose or nature.

Paragraphs 5 and 17:

- The Government of Japan had already taken measures, on the basis of the Foreign Exchange and Foreign Trade Act, necessary to prevent any transfer to the Democratic People's Republic of Korea of technical training, advice, services or assistance related to nuclear-, ballistic missile- or other weapons of mass destruction-related items, materials, equipment, goods and technology. This measure applies to technical cooperation on launches using ballistic missile technology, even if characterized as a satellite launch or with a space launch vehicle.
- In March 2016, the Government of Japan formally requested universities and other research institutions in Japan to refrain from providing specialized teaching or training, as referred to in paragraph 17.
- No violation or negligence by Japanese organizations has been observed.

Paragraph 9:

- The Government of Japan bans the entry of any national of the Democratic People's Republic of Korea into Japan, irrespective of the purpose of entry.

(4) Restrictions on maritime and aircraft transport:

Paragraphs 18 and 28:

- Following the adoption of resolution 1874 (2009), the Government of Japan enacted the Act on Special Measures concerning Cargo Inspections etc. Conducted by the Government Taking into Consideration United Nations Security Council Resolutions 1874 etc. (Act No. 43 of 2010) to implement cargo inspections. The Government of Japan will continue to strictly implement cargo inspections on the basis of national legislation, including the aforementioned act, to ensure that no item is transferred in violation of the relevant resolutions.

Paragraphs 19 and 20:

- In March 2016, the Government of Japan formally requested relevant Japanese organizations to refrain from leasing or chartering vessels or aircraft or from providing crew services to the Democratic People's Republic of Korea.
- The Government of Japan also formally requested, in March 2016, relevant Japanese organizations to refrain from registering vessels in the Democratic People's Republic of Korea, obtaining authorization for a vessel to use the flag of the Democratic People's Republic of Korea, and from owning, leasing, operating or providing any vessel classification, certification or associated service.
- No violation or negligence by Japanese organizations has been observed.

Paragraph 21:

- The Government of Japan will deny permission to an aircraft to take off from, land in or overfly the Japanese territory, on the basis of the Civil Aeronautics Act (Act No. 231 of 1952) when it is suspected that such aircraft contains items whose supply, sale, transfer or export is prohibited by the relevant resolutions. The Government of Japan announced this policy on 5 April 2013, following the adoption of resolution 2094 (2013).

Paragraphs 22 and 23:

- The Government of Japan, on the basis of relevant national legislation, including the Act on Special Measures concerning Prohibition of Entry of Specified Ships into Ports (Act No. 125 of 2004), has prohibited the entry into Japanese ports of vessels specified in annex III to resolution 2270 (2016), as amended, and other vessels related to the Democratic People's Republic of Korea.

3. Recent measures taken autonomously by the Government of Japan against the Democratic People's Republic of Korea

The Government of Japan has taken autonomous measures against the Democratic People's Republic of Korea, as set out in the previous reports to the Security Council (S/AC.49/2009/7 and S/AC.49/2013/7). Following the recent violations by the Democratic People's Republic of Korea, including its nuclear test on 6 January 2016 and ballistic missile launch on 7 February 2016, which constitute direct and grave threats to Japan and seriously undermine the peace and security of the international community, the Government of Japan decided on 10 February 2016 to take the following additional measures towards the comprehensive resolution of outstanding issues of concern, such as the abductions, nuclear and missile issues:

(1) Measures concerning the movement of persons:

The Government of Japan:

(a) Bans the entry of nationals of the Democratic People's Republic of Korea to Japan;

(b) Bans the re-entry of officials of the authorities of the Democratic People's Republic of Korea residing in Japan who leave Japan for the Democratic People's Republic of Korea, and bans the re-entry of those who are in a position to assist the above-mentioned officials of the authorities of the Democratic People's Republic of Korea residing in Japan who leave Japan for the Democratic People's Republic of Korea (targets are expanded from before);

(c) Requests all Japanese nationals to refrain from visiting the Democratic People's Republic of Korea;

(d) Suspends visits by officials of the Government of Japan to the Democratic People's Republic of Korea;

(e) Bans the landing of crew members of vessels bearing the flag of the Democratic People's Republic of Korea;

(f) Bans the landing of foreign crew members sentenced for the violation of the trade and financial measures against the Democratic People's Republic of Korea and the re-entry of those foreign citizens residing in Japan, sentenced for the violation of the above-mentioned measures, who leave Japan for the Democratic People's Republic of Korea;

(g) Bans the re-entry of foreign experts on nuclear and missile technology residing in Japan who leave Japan for the Democratic People's Republic of Korea.

(2) Financial measures:

- The Government of Japan lowered the minimum amount that requires declaration to the relevant authorities when carrying means of payment to the Democratic People's Republic of Korea, from the equivalent of 1 million yen to 100,000 yen, and bans any payment to the Democratic People's Republic of Korea except when the amount of payment is less than 100,000 yen and for humanitarian purposes.

- The Government of Japan additionally designated ten individuals and one entity as subjects of an asset freeze.

(3) Measures concerning maritime transport:

- The Government of Japan bans the entry of all vessels bearing the flag of the Democratic People's Republic of Korea, including those for humanitarian purposes, and the entry of vessels bearing the flag of a third country that have previously called at ports in the Democratic People's Republic of Korea.

The table below sets out the implementation by Japan of certain measures with respect to the Democratic People's Republic of Korea imposed by the Security Council in its resolutions 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013) and 2270 (2016). A fact sheet with additional information on the measures is available from https://www.un.org/sc/suborg/sites/www.un.org.sc.suborg/files/fact_sheet_updated_24_may_2016.pdf.

Optional checklist: measures contained in Security Council resolutions 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013) and 2270 (2016) relevant to Member States' national implementation reports

Have concrete measures, procedures, legislation, regulations or policies been adopted in order to:	*Yes/no*	*Indicate measures (in detail)*	*Additional information*	*Remarks*
1. Prevent the direct or indirect supply, sale or transfer to DPRK of: (Fact sheet, sections I-IV, X and XII)				
(a) All arms and related materiel?	Yes	See section 2 (3)		
(b) Nuclear, ballistic missile or other WMD-related items or technology?[a]	Yes	See section 2 (3)		
(c) Luxury goods?[a]	Yes	See section 2 (3)		
(d) Any item that could contribute to prohibited programmes or activities or the evasion of sanctions?	Yes	See section 2 (3)		
(e) Prohibited items for repair, servicing, refurbishing, testing, reverse-engineering and marketing, regardless of whether ownership or control is transferred?	Yes	See section 2 (3)		
(f) Aviation fuel, including aviation gasoline, naphtha-type jet fuel, kerosene-type jet fuel and kerosene-type rocket fuel, unless the Committee approves, in advance, on an exceptional case-by-case basis, the transfer to DPRK of such products for verified essential humanitarian needs, subject to arrangements for effective monitoring of delivery and use?	Yes	See section 2 (3)		
These measures shall not apply with respect to the sale or supply of aviation fuel to civilian passenger aircraft outside DPRK exclusively for consumption during flight to DPRK and return flight.				
2. Prohibit the procurement from DPRK of: (Fact sheet, sections I-IV, XI and XII)				
(a) All arms and related materiel?	Yes	See section 2 (3)		
(b) Nuclear, ballistic missile or other WMD-related items or technology?	Yes	See section 2 (3)		
(c) Any item that could contribute to prohibited programmes or activities or the evasion of sanctions?	Yes	See section 2 (3)		
(d) Prohibited items for repair, servicing, refurbishing, testing, reverse-engineering and marketing, regardless of whether ownership or control is transferred?	Yes	See section 2 (3)		

Have concrete measures, procedures, legislation, regulations or policies been adopted in order to:	*Yes/no*	*Indicate measures (in detail)*	*Additional information*	*Remarks*
(e) Coal, iron, iron ore, gold, titanium ore, vanadium ore and rare earth minerals? These measures shall not apply with respect to: (i) Coal that the procuring State confirms, on the basis of credible information, has originated outside DPRK and was transported through DPRK solely for export from the Port of Rajin (Rason), provided that the State notifies the Committee in advance, and such transactions are unrelated to generating revenue for the nuclear or ballistic missile programmes of DPRK or other activities prohibited by the resolutions; (ii) Coal, iron or iron ore transactions that are determined to be exclusively for livelihood purposes and unrelated to generating revenue for the nuclear or ballistic missile programmes or other activities prohibited by the resolutions.	Yes	See section 2 (3)		
3. Prevent the transfer to or from DPRK of financial transactions, technical training, advice, services (including brokering or other intermediary services) and assistance related to: **(Fact sheet, section IV)**				
(a) All arms and related materiel?	Yes	See S/AC.49/2009/7, annex, section 2 (2), and section 2 (1) of the present annex		
(b) Nuclear, ballistic missile or other WMD-related items or technology?	Yes	See section 2 (3)		
(c) Any item that could contribute to prohibited programmes or activities or the evasion of sanctions?	Yes	See S/AC.49/2009/7, annex, section 2 (2), and section 2 (3) of the present annex		
(d) Engagement in the hosting of trainers, advisers or other officials for the purpose of military, paramilitary or police-related training?	Yes	See section 2 (3)		

Have concrete measures, procedures, legislation, regulations or policies been adopted in order to:	*Yes/no*	*Indicate measures (in detail)*	*Additional information*	*Remarks*
4. Prohibit the transfer of any items if a designated individual or entity[b] is the originator, intended recipient or facilitator of the item's transfer; in accordance with its national legal processes, freeze funds, other financial assets and economic resources owned or controlled by, and ensure that none are made available to benefit, designated individuals or entities, entities of the Government of DPRK or the Workers' Party of Korea, those acting on their behalf or at their direction and entities owned or controlled by them? (Fact sheet, sections III and VII)	Yes	See sections 2 (1) and 2 (3)		
5. Prevent the entry or transit of designated individuals, as well as their family members, and any individual working on behalf or at the direction of a designated individual or entity, or violating the sanctions or assisting in their evasion? The travel ban does not apply to designated individuals and entities when the Committee determines, on a case-by-case basis, that such travel is justified on the grounds of humanitarian need, including religious obligations, or the Committee concludes that an exemption would further the objectives of the resolutions. States can submit requests for exemptions from the travel ban for designated individuals and entities following the instructions set out in the Committee's guidelines. Such an individual shall be expelled for the purpose of repatriation to DPRK or to the individual's State of nationality, consistent with applicable national and international law, provided that these measures shall not impede the transit of the representative of the Government of DPRK to United Nations Headquarters or other United Nations facilities to conduct United Nations business. These measures shall not apply with respect to a particular individual if: (a) The presence of the individual is required for the fulfilment of judicial process; (b) The presence of the individual is required exclusively for medical, safety or other humanitarian purposes; (c) The Committee has determined on a case-by-case basis that the expulsion of the individual would be contrary to the objectives of the resolutions. (Fact sheet, sections V and VIII)	Yes	See section 2 (2)		

Have concrete measures, procedures, legislation, regulations or policies been adopted in order to:	*Yes/no*	*Indicate measures (in detail)*	*Additional information*	*Remarks*
6. Financial measures: (Fact sheet, section IX)				
(a) Prevent the provision of financial services, or the transfer of any financial or other assets or resources, including bulk cash and gold through cash and gold couriers, which could contribute to prohibited programmes or activities of DPRK, or to the evasion of sanctions, and exercise enhanced vigilance in this regard?	Yes	See S/AC.49/2013/7, annex, section 2 (1), and section 2 (1) of the present annex		
(b) Prohibit DPRK banks from opening and operating new branches, subsidiaries or representative offices; establishing new joint ventures; or taking an ownership interest in or establishing or maintaining correspondent relationships with banks within a State's jurisdiction or in its territory, unless such transactions have been approved by the Committee in advance?	Yes	See section 2 (1)		
(c) Prohibit financial institutions from opening representative offices or subsidiaries or banking accounts in DPRK?	Yes	See section 2 (1)		
(d) Prohibit States from having representative offices, subsidiaries or banking accounts in DPRK, if the State has credible information that provides reasonable grounds to believe that such financial services could contribute to the prohibited programmes or activities, unless the Committee determines on a case-by-case basis that such offices, subsidiaries or accounts are required for the delivery of humanitarian assistance or the activities of diplomatic missions in DPRK, pursuant to the Vienna Convention on Diplomatic Relations, or the activities of the United Nations, specialized agencies or related organizations, or for any other purposes consistent with the resolutions?	Yes	See section 2 (1)		
(e) Prohibit the provision of public or private financial support from within their territories or by persons or entities subject to their jurisdiction for trade with DPRK that could contribute to the nuclear or ballistic missile programmes of DPRK or other activities prohibited by the resolutions?	Yes	See section 2 (1)		
7. Prevent new commitments for grants, financial assistance or concessional loans to DPRK, except for humanitarian and developmental purposes, or the promotion of denuclearization? (Fact sheet, section IX (d))	Yes	See S/AC.49/2009/7, section 2 (4), and section 2 (1) of the present annex		

Have concrete measures, procedures, legislation, regulations or policies been adopted in order to:	*Yes/no*	*Indicate measures (in detail)*	*Additional information*	*Remarks*
8. Inspect in the State's territory, including in its airports, seaports and free trade zones, the cargo to or from DPRK, or brokered or facilitated by DPRK or its nationals, or by individuals or entities acting on their behalf, or transported on DPRK-flagged vessels or aircraft? (Fact sheet, section XIII)	Yes	See section 2 (4)		
(a) Under certain conditions and with certain exceptions, inspect vessels on the high seas and prohibit the provision of bunkering services to DPRK vessels if the State has information that provides reasonable grounds to believe that their cargo contains prohibited items?	Yes	See S/AC.49/2009/7, annex, section 3 (1), and section 2 (4) of the present annex		
(b) Prohibit their nationals and those in their territories from leasing or chartering their flagged vessels or aircraft or providing crew services to DPRK? As called upon, deregister any vessel that is owned, operated or crewed by DPRK, and not to register any such vessel that is deregistered by another Member State? This measure shall not apply with respect to such leasing, chartering or provision of crew services notified to the Committee in advance on a case-by-case basis accompanied by: (i) information demonstrating that such activities are exclusively for livelihood purposes that will not be used by individuals or entities of DPRK to generate revenue; and (ii) information on measures taken to prevent such activities from contributing to violations of the resolutions.	Yes	See section 2 (4)		
(c) Prohibit their nationals, persons subject to their jurisdiction and entities incorporated in their territory or subject to their jurisdiction from registering vessels in DPRK, obtaining authorization for a vessel to use the flag of DPRK and owning, leasing, operating or providing any vessel classification, certification or associated service or insuring any vessel flagged by DPRK? This measure shall not apply to activities notified in advance to the Committee, following provision to the Committee of detailed information on the activities, including the names of individuals and entities involved in them, information demonstrating that such activities are exclusively for livelihood purposes that will not be used by DPRK individuals or entities to generate revenue, and information on measures taken to prevent such activities from contributing to violations of the resolutions.	Yes	See section 2 (4)		

Have concrete measures, procedures, legislation, regulations or policies been adopted in order to.	*Yes/no*	*Indicate measures (in detail)*	*Additional information*	*Remarks*
(d) Deny permission to any aircraft to take off from, land in or overfly the Member State's territory unless on the condition of landing for inspection, if the State has information that provides reasonable grounds to believe that the aircraft contains prohibited items, except in the case of an emergency landing?	Yes	See section 2 (4)		
(e) Prohibit the entry into its ports of any vessel if the State has information that provides reasonable grounds to believe the vessel is owned or controlled, directly or indirectly, by a designated individual or entity, or contains cargo the supply, sale, transfer or export of which is prohibited by the resolutions, unless entry is required in the case of emergency or in the case of return to its port of origin, for inspection or unless the Committee determines in advance that such entry is required for humanitarian purposes or any other purposes consistent with the objectives of resolution 2270 (2016)?	Yes	See section 2 (4)		
9. Under certain conditions, seize and dispose of prohibited items found during an inspection? (Fact sheet, section XIV)	Yes	See S/AC.49/2009/7, annex, section 3 (1), and section 2 (4) of the present annex		
10. Prevent the specialized teaching or training of DPRK nationals within their territories or by their nationals of disciplines that could contribute to the prohibited programmes or activities of DPRK? (Fact sheet, section VI)	Yes	See section 2 (3)		

Abbreviations: DPRK, the Democratic People's Republic of Korea; WMD, weapons of mass destruction.

[a] The lists of nuclear-, ballistic missile- and other WMD-related items, materials, equipment, goods and technology, as well as luxury goods, are available from the website of the Committee (www.un.org/sc/suborg/en/sanctions/1718/materials).

[b] The consolidated list of entities and individuals subject to assets freeze and/or travel ban is available from the website of the Committee (www.un.org/sc/suborg/sites/www.un.org.sc.suborg/files/1718.pdf).

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Note verbale dated 31 May 2016 from the Permanent Mission of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the Chair of the Committee

The Permanent Mission of the United Kingdom to the United Nations wishes to submit for the attention of the Committee and Panel of Experts the attached 90-day report on the implementation of Security Council resolution 2270 (2016) (see annex).

The present submission is pursuant to paragraph 40 of resolution 2270, on the steps taken by the Government of the United Kingdom to implement paragraphs 6-15, 17-23 and 27-39 of the resolution.

The United Kingdom takes its responsibilities under Security Council resolutions on the Democratic People's Republic of Korea most seriously, and we monitor closely any activity, to ensure complete compliance with United Nations sanctions.

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Annex to the note verbale dated 31 May 2016 from the Permanent Mission of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the Chair of the Committee

Security Council resolution 2270 (2016) United Kingdom implementation report

Introduction

1. The Permanent Mission of the United Kingdom to the United Nations presents its compliments to the Chair of the Security Council Committee established pursuant to resolution 1718 (2006), and has the honour to attach its report pursuant to paragraph 40 of resolution 2270 (2016), on the steps taken by the Government of the United Kingdom to implement paragraphs 6-15, 17-23 and 27-39 of the resolution.

Legal background

2. Security Council resolutions are implemented into the domestic law of member States of the European Union through decisions and regulations of the Council of the European Union, which have direct legal effect in each member State. The Council of the European Union additionally has the ability to put in place autonomous restrictive measures, including designations of individuals who have not been listed at the United Nations level. These measures have effect only within the territories of member States of the European Union.

3. The Security Council, in its resolution 2270 (2016), imposed new measures and widened the scope of a number of existing measures. On 4 March 2016 and 31 March 2016, respectively, the Council of the European Union adopted its decision 2016/319/CFSP and decision 2016/476/CFSP, which amended decision 2013/183/CFSP concerning restrictive measures against the Democratic People's Republic of Korea, giving effect to Security Council resolution 2270 (2016). On 27 May 2016, the Council of the European Union adopted Council decision 2016/849/CFSP, which (a) consolidates the provisions of all previous Council decisions concerning restrictive measures against the Democratic People's Republic of Korea and (b) imposes additional European Union autonomous measures.

4. For the elements of the above decisions which fall within the competence of the European Union under the Treaty on the Functioning of the European Union, the measures were implemented by the Council of the European Union in its regulation (EC) No 329/2007 of 27 March 2007. This regulation has been amended, most recently by regulation (EC) 2016/682 of 29 April 2016 and regulation (EU) 2016/841 of 27 May 2016. European Union restrictive measures implement Security Council resolutions 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013) and 2270 (2016). The European Union has also implemented additional European Union autonomous measures.

5. The United Kingdom drafts its own legislation to implement sanctions measures in respect of domestic criminal offences in the United Kingdom and for its Overseas Territories. It also drafts its own domestic legislation to control arms exports.

6. Criminal offences that relate to breaching of the financial sanctions are implemented by legislation in the form of the following financial sanctions regulations, which are drafted by Her Majesty's Treasury: the North Korea (United Nations Sanctions) Order 2009 No. 1749 and the Democratic People's Republic of Korea (European Union Financial Sanctions) Regulations 2013 No. 1877.

7. The Department of Business, Innovation and Skills is responsible for implementing the existing comprehensive national and European Union controls on the export of and trade in arms and other goods controlled for strategic reasons. These controls are contained in various national and European Union legal instruments, notably the Export Control Order 2008 No. 3231 (as amended) and Council regulation (EC) 428/2009.

8. The United Kingdom has responsibility for the implementation of Security Council resolutions in those Overseas Territories which fall outside the jurisdiction of the European Union. The Foreign and Commonwealth Office is in the process of implementing Security Council resolution 2270 (2016). It has previously implemented other resolutions in the form of the following Overseas Territories legislation: the Democratic People's Republic of Korea (Sanctions) (Overseas Territories) Order 2012 No. 3066, the Democratic People's Republic of Korea (Sanctions) (Overseas Territories) (Amendment) Order 2013 No. 1718 and the Democratic People's Republic of Korea (Sanctions) (Overseas Territories) (Amendment) (No. 2) Order 2013 No. 2599. This legislation applies to all Overseas Territories with the exception of Bermuda, which drafts its own legislation, and Gibraltar, where European Union regulations apply.

9. The following report details the implementation of Security Council resolution 2270 (2016) in domestic United Kingdom and European Union legislation. These measures are also being implemented in the Overseas Territories.

Embargoed goods, items and technical assistance

10. With regard to paragraphs 6-9, 27-31 and 39 of Security Council resolution 2270 (2016), European Union Council regulation (EC) No. 428/2009 of 5 May 2009 gives Member States powers to prevent the export or transit of any items that might be used in connection with a weapons of mass destruction programme to any destination, or for a military end use to a destination subject to an arms embargo imposed by a binding Security Council resolution or decision or Common Position of the Council of the European Union, or a decision of the Organization for Security and Cooperation in Europe. In addition, it gives Member States powers to prevent the brokering of any items that might be used in connection with a weapons of mass destruction programme to any destination, or of any dual-use item listed in annex I (to the regulation) for a military end use to a destination subject to arms embargo as described above. This regulation is binding in its entirety and directly applicable in all Member States. Supplementary measures and provisions for enforcement of these controls are set out in the Export Control Order 2008.

11. The Export Control Order 2008 prohibits the export of arms and other military equipment and technology from the United Kingdom to any destination unless the export has been authorized in writing by a licence granted by the Secretary of State for Business, Innovation and Skills. In addition, the Democratic People's Republic of Korea is an "embargoed destination" for the purposes of the United Kingdom controls on the brokering of military goods. As a result, it is prohibited for any

United Kingdom person to supply or deliver, agree to supply or deliver or do any act calculated to promote the supply or delivery of military goods from a third country to the Democratic People's Republic of Korea, regardless of where in the world the act takes place, unless authorized in writing by a licence granted by the Secretary of State.

12. All applications for licences to export or broker controlled goods, or to provide related services, are assessed on a case-by-case basis against the consolidated European Union and national arms export licensing criteria dated 25 March 2014. A licence would not be granted if to do so would be inconsistent with any of the criteria. In particular, criterion 1 deals with the international obligations and commitments of the United Kingdom in the field of arms control and non-proliferation and criterion 7 deals with the risk of diversion to weapons of mass destruction programmes of concern.

13. Prohibitions on: (a) the sale, supply, transfer or export of goods, materials, equipment and technology which could contribute to the nuclear-related, ballistic missile-related or other weapons of mass destruction-related programmes of the Democratic People's Republic of Korea; (b) the purchase, import or transport of such items from the Democratic People's Republic of Korea; (c) the provision of technical assistance, financing and financial assistance related to arms, etc., and to goods etc. which could contribute to weapons of mass destruction-related programmes of the Democratic People's Republic of Korea; and (d) the procurement of such services from the Democratic People's Republic of Korea, are set out in regulation (EC) 329/2007, as amended, of the Council of the European Union. These prohibitions apply directly to all activities carried out in the European Union and to the nationals of member States anywhere in the world.

14. Prohibitions applying to the sale, supply, transfer or export of luxury goods to the Democratic People's Republic of Korea are set out in article 4 of regulation 329/2007 of the Council of the European Union. The luxury goods to which the prohibitions apply are listed in annex III to that regulation. A breach of these prohibitions is a criminal offence under the Customs and Excise Management Act 1979 or the Export Control (North Korea and Ivory Coast Sanctions and Syria Amendment) Order 2013 No. 3182. In either case, the offences carry a maximum penalty of 10 years' imprisonment and an unlimited fine.

15. Export and import of controlled goods without an appropriate licence is a criminal offence under the Customs and Excise Management Act 1979; the brokering of military goods without an appropriate licence is a criminal offence under the Export Control Order 2008. Both offences carry a maximum penalty of 10 years' imprisonment and an unlimited fine. A breach of any of the other prohibitions referred to above is a criminal offence under the Export Control (North Korea and Ivory Coast Sanctions and Syria Amendment) Order 2013, which will shortly be amended so that a breach of any of the other prohibitions referred to above is a criminal offence, the maximum penalty for which is 2 years' imprisonment or 10 years' imprisonment, depending on the offence, and an unlimited fine.

16. The Department of Business, Innovation and Skills makes available to exporters, traders and intermediaries comprehensive information on sanctions and export controls through its website pages, notices to exporters, and programme of seminars and training courses, and works closely with trade promotion bodies and relevant trade associations. The Department also offers a number of advisory

services for businesses and individuals who wish to determine whether their activities are subject to any prohibitions or restrictions.

17. Her Majesty's Revenue and Customs is the department responsible for enforcing the controls and investigating potential or actual breaches. The Crown Prosecution Service is responsible for prosecuting breaches of the controls.

Customs

18. With regard to paragraph 18 of Security Council resolution 2270 (2016), Her Majesty's Revenue and Customs continues to enforce the relevant prohibitions on the export of arms, related materials and other goods prohibited under European Union Council regulation (EC) 329/2007 (as amended) to the Democratic People's Republic of Korea, as specified in Security Council resolution 2270 (2016), as well as enforcing the strategic export licensing system of the United Kingdom. Her Majesty's Revenue and Customs has initiated measures to identify and interdict cargo transiting through the United Kingdom to/from the Democratic People's Republic of Korea.

19. Her Majesty's Revenue and Customs is alert to the risk of prohibited goods being exported to known diversionary destinations and maintains controls that can intercept goods that are likely to be illegally diverted to the Democratic People's Republic of Korea. Her Majesty's Revenue and Customs enforces the prohibition on trafficking and brokering controls in relation to military goods both originating in and destined for the Democratic People's Republic of Korea where the trade activity is undertaken within the United Kingdom or by a United Kingdom national anywhere in the world.

Financial and asset freezes

20. With regard to paragraphs 10, 12, 15, 23 and 32-38 of Security Council resolution 2270 (2016), Her Majesty's Treasury issues notices to the United Kingdom financial sector whenever entities are listed under the Democratic People's Republic of Korea regime, stating that all of those entities' assets must be frozen and reported to the Treasury. Her Majesty's Treasury has also introduced criminal penalties for breaching the asset freeze, as reflected in the Democratic People's Republic of Korea (European Union Financial Sanctions) Regulations No. 1877 (2013), as amended.

21. Criminal penalties are in place to deter credit or financial institutions based in the United Kingdom from maintaining accounts, branches or subsidiaries in the Democratic People's Republic of Korea where there are reasonable grounds to believe that they could contribute to the nuclear, weapons of mass destruction or ballistic missile programmes of the Democratic People's Republic of Korea.

22. Following each plenary meeting of the Financial Action Task Force at which the Democratic People's Republic of Korea remains on the Task Force's list of jurisdictions with strategic deficiencies in their anti-money-laundering and counter-terrorist financing regimes, Her Majesty's Treasury publishes a notice advising regulated entities to consider the Democratic People's Republic of Korea as high-risk for the purposes of the Money Laundering Regulations 2007 No. 2157. It advises firms to apply enhanced due diligence measures in accordance with the risks presented. This includes applying enhanced customer due diligence and enhanced

ongoing monitoring on a risk-sensitive basis. The most recent notice was published in February 2016. Suspicions of money-laundering, terrorist financing or proliferation financing must be reported to the United Kingdom Financial Intelligence Unit at the National Crime Agency.

Travel restrictions

23. With regard to paragraphs 11 and 14 of Security Council resolution 2270 (2016), the United Kingdom implements the travel ban elements of United Nations and European Union sanctions by including relevant Security Council resolutions and European Union Council decisions or common positions in the Immigration (Designation of Travel Bans) Order 2000 (the 2000 Order). Sections 8B (1) and (2) of the Immigration Act 1971 (as amended) provide that a person who is subject to a United Nations or European Union instrument which has been designated shall be refused leave to enter or remain in the United Kingdom and that where the person already has leave, this shall be cancelled.

24. All individuals subject to a travel ban who are listed by the United Nations or the European Union are included on United Kingdom watch lists and will normally be refused entry to or transit through the United Kingdom. Subject to international obligations, if a listed person is already in the United Kingdom, consideration will be given to cancelling any leave held and removing the person to his or her country of origin.

25. If a United Nations or European Union travel ban has not yet been designated under the 2000 Order, other legislative provisions may be relied upon to refuse a listed person entry to or transit through the United Kingdom, on the basis that their exclusion from the United Kingdom would be conducive to the public good.

Specialized teaching or training

26. With regard to paragraph 17 of Security Council resolution 2270 (2016), if a person is specifically applying to enter the United Kingdom for the purpose of studying an area that is of proliferation concern, the visa application should fall for refusal under part 6A of the United Kingdom's Immigration Rules if that individual does not hold a valid Academic Technology Approval Scheme clearance certificate where required to do so. Her Majesty's Government has the authority to instruct a university to exclude an international student from an Academic Technology Approval Scheme applicable course if he or she has failed to gain clearance under the Scheme first.

27. The Academic Technology Approval Scheme is an initiative of the British Government led by the Foreign and Commonwealth Office, which prevents the intangible transfer of technology, and potential postgraduate international students from gaining access to courses and modules provided by United Kingdom higher education institutions which may provide them with skills or expertise in the proliferation and delivery of weapons of mass destruction, including ballistic missiles.

28. An Academic Technology Approval Scheme clearance certificate will be required where a non-European Economic Area or Swiss national is applying for leave to undertake one of the following:

(a) Postgraduate studies leading to a doctorate or master's degree by research in one of the subjects listed in paragraph 1 of appendix 6 of the Immigration Rules;

(b) Postgraduate studies leading to a taught master's degree or other postgraduate qualification in one of the subjects listed in paragraph 2 of appendix 6 of the Immigration Rules;

(c) A period of study or research in excess of six months in one of the subjects listed in paragraphs 1 or 2 of appendix 6 of the Immigration Rules at an institution of higher education where this forms part of an overseas postgraduate qualification.

29. Those in the United Kingdom with leave as a student must apply for a new Academic Technology Approval Scheme certificate if they change their course to one which needs such a certificate, or if the content of their current course changes, or if they apply to move to another institution or need to extend their leave on their current course.

30. If a migrant applies for leave to enter or remain in the United Kingdom in a non-study category, the leave granted may be subject to a restriction prohibiting any study in the above areas of concern unless he or she first obtains an Academic Technology Approval Scheme clearance certificate.

Transportation

31. With regard to the measures concerning maritime restrictions referred to in paragraphs 19, 20 and 22 of Security Council resolution 2270 (2016), the United Kingdom assesses that these measures are likely to have very little, if any, impact on United Kingdom vessels, maritime services or workers. No supplementary controls or provisions are considered necessary for enforcement, which will be undertaken by the Maritime and Coastguard Agency.

32. With regard to paragraphs 19 and 21 of Security Council resolution 2270 (2016), there are no scheduled air services between the United Kingdom and the Democratic People's Republic of Korea. The United Kingdom is unaware of any instances where aircraft believed to be transporting embargoed goods have sought permission to take off from, land in or overfly the United Kingdom.

33. Any non-European Union aircraft operating commercially to or from the United Kingdom requires explicit permission to do so from the Secretary of State for Transport, who can revoke, suspend or vary permissions as necessary. Similarly, if a European Union registered aircraft was operating to or from the United Kingdom, and subsequently travelling to a point outside the European Union, it would also require such permission. This requirement for such permission from the Secretary of State for Transport would act as a means to ensure that our obligation to implement Security Council resolution 2270 (2016) is successfully honoured.

Diplomatic

34. With regard to paragraph 13 of Security Council resolution 2270 (2016), as a leading European Union member State and permanent member of the Security Council, the United Kingdom has a direct interest in promoting international security and the security of the Korean peninsula. The United Kingdom therefore

wants the Democratic People's Republic of Korea to adhere to its international obligations as a United Nations Member State, engage with the international community and take constructive steps towards denuclearization.

35. The United Kingdom engages with officials of the Democratic People's Republic of Korea, including diplomats, to ensure that our views on such issues, and those of our international partners, are clearly understood. The United Kingdom is taking every opportunity to urge the Government of the Democratic People's Republic of Korea, including diplomatic personnel, to refrain from further provocative action and to re-engage with the international community, particularly regarding its nuclear, ballistic missile and other weapons of mass destruction programmes.

36. The United Kingdom complies fully with its obligations under the Vienna Convention on Diplomatic Relations. In return, the United Kingdom expects all persons enjoying diplomatic privileges and immunities to abide by article 41 of the Convention, which states that all persons enjoying privileges and immunities have a duty to respect the laws and regulations of the receiving State. The United Kingdom takes firm action against any abuse of privileges or immunities by diplomatic missions, and all missions in the United Kingdom have access to our guide to protocol matters.

United Nations S/AC.49/2016/7

Security Council

Distr.: General
16 June 2016

Original: English

Security Council Committee established pursuant to resolution 1718 (2006)

Note verbale dated 31 May 2016 from the Permanent Mission of San Marino to the United Nations addressed to the Chair of the Committee

The Permanent Mission of the Republic of San Marino to the United Nations has the honour to submit the report of the Republic of San Marino on the implementation of Security Council resolutions 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013) and 2270 (2016) concerning the Democratic People's Republic of Korea (see annex).

16-10102 (E) 270616

Please recycle

Annex to the note verbale dated 31 May 2016 from the Permanent Mission of San Marino to the United Nations addressed to the Chair of the Committee

Measures taken by San Marino to implement certain provisions set out in Security Council resolutions 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013) and 2270 (2016)

As with past resolutions concerning the Democratic People's Republic of Korea, San Marino has taken steps to implement the provisions contained in Security Council resolution 2270 (2016).

Measures adopted through Security Council resolutions become enforceable in San Marino through decisions of the Congress of State (Government), which provide a list of the measures to be enforced and mandate the competent authorities of San Marino to implement them.

On 4 May 2016, the San Marino Congress of State adopted Decision No. 5, entitled "Provisions implementing the measures adopted by the United Nations Security Council with respect to the Democratic People's Republic of Korea".*

All future changes made to the list of entities and individuals established and maintained by the Security Council Committee established pursuant to resolution 1718 (2006) will be posted on a dedicated section of the website of the Ministry of Foreign Affairs of San Marino within one working day of receipt of the relevant notice from the Committee.

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* The text of the decision is on file with the Secretariat and is available for consultation.

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Security Council

Distr.: General
16 June 2016

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Security Council Committee established pursuant to resolution 1718 (2006)

Note verbale dated 31 May 2016 from the United States Mission to the United Nations addressed to the Chair of the Committee

Please find attached the submission of the United States of its national implementation report for Security Council resolution 2270 (2016) (see annex).

16-10109 (E) 120716

Please recycle

Annex to the note verbale dated 31 May 2016 from the United States Mission to the United Nations addressed to the Chair of the Committee

Report of the United States of America for the Security Council on efforts to implement Council resolution 2270 (2016)

The present report describes concrete measures by which the United States implements paragraphs 6, 8, 10, 11, 13, 14, 17-23, 27 and 29-36 of Security Council resolution 2270 (2016) regarding the Democratic People's Republic of Korea (DPRK). The United States considers it essential for Member States to fully and effectively implement this resolution. The United States intends to continue supporting other States' efforts, as requested, and to the extent possible, to implement the resolution.

Among the measures through which the United States implements the relevant provisions of the resolution are the following:

Paragraph 6: Decides that the measures in paragraph 8 (a) of resolution 1718 (2006) shall also apply to all arms and related materiel, including small arms and light weapons and their related materiel, as well as to financial transactions, technical training, advice, services or assistance related to the provision, manufacture, maintenance or use of such arms and related materiel;

The International Traffic in Arms Regulations, administered by the Bureau of Political-Military Affairs of the State Department, prohibit the supply, sale or transfer to, inter alia, the DPRK, from United States territory, or by United States nationals, of defence articles and defence services, unless otherwise authorized. Section 126.1 of the International Traffic in Arms Regulations states that it is the policy of the United States to deny licences and other approvals for exports of defence articles and defence services destined for the DPRK.

The Export Administration Regulations, administered by the Bureau of Industry and Security of the Department of Commerce, prohibit the export from the United States to the DPRK (or re-export from a third country to the DPRK) of all items subject to those Regulations except food or medicine designated as "EAR99", unless otherwise licensed. Under Executive Order 12981, the Bureau of Industry and Security refers all licence applications for exports or re-exports to the DPRK to the Departments of Defense and State for review. Section 746.4 (b) (2) of the Regulations states that applications to export or re-export arms and related materiel from the United States to the DPRK are subject to a general policy of denial.

Section 3 (a) (i) of Executive Order 13722, administered by the Department of the Treasury in consultation with the Department of State, prohibits the exportation or re-exportation, direct or indirect, from the United States, or by a United States person, wherever located, of any goods, services or technology to the DPRK, except as otherwise licensed or exempted. Pursuant to this section of the Executive Order, which also refers to Commerce authorities (given existing Export Administration Regulations export and re-export licence requirements), the Office of Foreign Assets Control of the Treasury Department prohibits re-exports/exports from abroad to the DPRK by United States persons of items not subject to the Export Administration Regulations.

With respect to United States-flagged aircraft, since 1998, the Federal Aviation Administration has prohibited civil flight operations by United States-registered aircraft, except where the operator of such aircraft is a foreign air carrier, through the Pyongyang Flight Information Region west of 132 degrees east longitude, which includes the DPRK's territorial airspace. The flight prohibition also applies to all United States air carriers or commercial operators and all persons exercising the privileges of an airman certificate issued by the Federal Aviation Administration except such persons operating United States-registered aircraft for foreign air carriers. Exceptions exist for (a) operations authorized by an exemption issued by the Federal Aviation Administration; (b) operations authorized by another agency of the Government of the United States with Federal Aviation Administration approval; and (c) in-flight emergencies.

The Department of Homeland Security, United States Customs and Border Protection, can inspect all cargo on aircraft destined for or departing the United States (see, e.g., 19 U.S.C. §§ 482, 1499), and seize and/or forfeit any article introduced or exported contrary to law or arms or munitions of war exported in violation of law, as well as any associated vessel or aircraft (see, e.g., 19 U.S.C. § 1595a and 22 U.S.C. § 401).

With respect to United States-flagged vessels, pursuant to 14 U.S.C. § 89, the Department of Homeland Security/United States Coast Guard may board and inspect any United States-flagged vessel anywhere it is located, beyond the territorial waters of another country, to enforce United States law. If the vessel is itself of United States origin, or if the value of the United States-origin parts of the vessel exceeds 10 per cent of the vessel's total value, the vessel itself is subject to the Export Administration Regulations and a Bureau of Industry and Security licence would be required for the vessel to travel to the DPRK. Within United States customs waters (up to 24 nautical miles from United States shores) or a declared customs-enforcement area (see 19 U.S.C. § 1701), the Coast Guard and the United States Customs and Border Protection share authority to board vessels, examine manifests and search cargo (see, e.g., 19 U.S.C. § 1581 and 14 U.S.C. § 89).

Paragraph 8: Decides that the measures imposed in paragraphs 8 (a) and 8 (b) of resolution 1718 (2006) shall also apply to any item, except food or medicine, if the State determines that such item could directly contribute to the development of the DPRK's operational capabilities of its armed forces, or to exports that support or enhance the operational capabilities of armed forces of another Member State outside the DPRK, and decides also that this provision shall cease to apply to the supply, sale or transfer of an item, or its procurement, if:

(a) the State determines that such activity is exclusively for humanitarian purposes or exclusively for livelihood purposes which will not be used by DPRK individuals or entities to generate revenue, and also not related to any activity prohibited by resolutions 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013) or this resolution, provided that the State notifies the Committee in advance of such determination and also informs the Committee of measures taken to prevent the diversion of the item for such other purposes, or

(b) the Committee has determined on a case-by-case basis that a particular supply, sale or transfer would not be contrary to the objectives of resolutions 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013) or this resolution;

With respect to exports to the DPRK:

- The Export Administration Regulations, administered by the Bureau of Industry and Security of the Department of Commerce, prohibit the export from the United States to the DPRK (or re-export from a third country to the DPRK) of all items subject to those Regulations except food or medicine designated as "EAR99", unless otherwise licensed. The Bureau of Industry and Security's inter-agency licence review under those Regulations, which involves consultations with the Departments of State, Energy and Defense, considers whether an item could directly contribute to the activities described in paragraph 8 of Security Council resolution 2270 (2016). The requirements of the Bureau of Industry and Security also include humanitarian exceptions consistent with paragraph 8.

- Section 3 (a) (i) of Executive Order 13722, administered by the Department of the Treasury in consultation with the Department of State, prohibits the exportation or re-exportation, direct or indirect, from the United States, or by a United States person, wherever located, of any goods, services or technology to the DPRK, except as otherwise licensed or exempted. Pursuant to this section of the Executive Order, which also refers to Commerce authorities (given existing Export Administration Regulations export and re-export licence requirements), The Office of Foreign Assets Control prohibits exports from abroad/re-exports by United States persons to the DPRK of items not subject to the Export Administration Regulations (primarily foreign origin/non-United States-origin items), as well as services.

- With respect to United States-flagged aircraft, since 1998, the Federal Aviation Administration has prohibited civil flight operations by United States-registered aircraft, except where the operator of such aircraft is a foreign air carrier, through the Pyongyang Flight Information Region west of 132 degrees east longitude, which includes the DPRK's territorial airspace. The flight prohibition also applies to all United States air carriers or commercial operators and all persons exercising the privileges of an airman certificate issued by the Federal Aviation Administration, except such persons operating United States-registered aircraft for foreign air carriers. Exceptions exist for (a) operations authorized by an exemption issued by the Federal Aviation Administration; (b) operations authorized by another agency of the Government of the United States with Federal Aviation Administration approval; and (c) in-flight emergencies.

- The Department of Homeland Security, United States Customs and Border Protection, can inspect all cargo on aircraft destined for or departing the United States (see, e.g., 19 U.S.C. §§ 482, 1499), and seize and/or forfeit any article introduced or exported contrary to law or arms or munitions of war exported in violation of law, as well as any associated vessel or aircraft (see, e.g., 19 U.S.C. § 1595a and 22 U.S.C. § 401).

- With respect to United States-flagged vessels, pursuant to 14 U.S.C. § 89, the Department of Homeland Security/United States Coast Guard may board and inspect any United States-flagged vessel anywhere it is located, beyond the territorial waters of another country, to enforce United States law. If the vessel is itself of United States origin, or if the value of the United States-origin parts of the vessel exceeds 10 per cent of the vessel's total value, the vessel itself is

subject to the Export Administration Regulations and a Bureau of Industry and Security licence would be required for the vessel to travel to the DPRK. Within United States customs waters (up to 24 nautical miles from United States shores) or a declared customs-enforcement area (see 19 U.S.C. § 1701), the Coast Guard and the United States Customs and Border Protection share authority to board vessels, examine manifests and search cargo (see, e.g., 19 U.S.C. § 1581 and 14 U.S.C. § 89).

With respect to procurement from the DPRK:

- Section 1 of Executive Order 13570, administered by the Department of the Treasury in consultation with the Department of State, prohibits the importation into the United States, directly or indirectly, of any goods, services or technology from the DPRK. Section 2 (a) of Executive Order 13570 prohibits any transaction by a United States person or within the United States that evades or avoids, has the purpose of evading or avoiding, causes a violation of or attempts to violate the prohibitions in Executive Order 13570.
- In addition, wherever located, a United States person is prohibited by Executive Order 13722 from dealing in property in which a designated person or the Government of the DPRK has any interest.

Paragraph 10: Decides that the measures specified in paragraph 8 (d) of resolution 1718 (2006) shall apply also to the individuals and entities listed in Annex I and II of this resolution and to any individuals or entities acting on their behalf or at their direction, and to entities owned or controlled by them, including through illicit means;

Paragraph 11: Decides that the measures specified in paragraph 8 (e) of resolution 1718 (2006) shall apply also to the individuals listed in Annex I of this resolution and to individuals acting on their behalf or at their direction;

The United States has designated all of the individuals and entities listed in annexes I and II to resolution 2270 (2016) for an asset freeze under various authorities administered by the Department of the Treasury and the Department of State. The rules of the Office of Foreign Assets Control extend this freeze to entities that are 50 per cent or more owned by designated persons. Individuals and entities acting on behalf or at the direction of a designated individual or entity, and entities that are controlled (but are not 50 per cent or more owned) by designated entities, are generally subject to derivative designations under the authority used to designate the primary target.

The authorities used to designate the individuals listed in annex I for an asset freeze (Executive Orders 13382,[1] 13687 and 13722) also impose a travel ban, and the names of those individuals have been entered into the appropriate consular database for assessment should an individual apply for a visa or entry. Individuals and entities acting on behalf or at the direction of a designated individual or entity are generally subject to derivative designations under the authority used to designate the primary target.

The Department of Homeland Security has the authority to deny entry into or transit of aliens through the United States based on grounds specified by the

[1] For those designated under Executive Order 13382, the travel ban is imposed by Presidential Proclamation 8693.

relevant laws and regulations, including, for example, 8 U.S.C. §§ 1182 (a) (3) (C) and (f).

Paragraph 13: Decides that if a Member State determines that a DPRK diplomat, governmental representative, or other DPRK national acting in a governmental capacity, is working on behalf or at the direction of a designated individual or entity, or of an individual or entities assisting in the evasion of sanctions or violating the provisions of resolutions 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013) or this resolution, then the Member State shall expel the individual from its territory for the purpose of repatriation to the DPRK consistent with applicable national and international law, provided that nothing in this paragraph shall impede the transit of representatives of the Government of the DPRK to the United Nations Headquarters or other UN facilities to conduct United Nations business, and decides that the provisions of this paragraph shall not apply with respect to a particular individual if: a) the presence of the individual is required for fulfillment of a judicial process, b) the presence of the individual is required exclusively for medical, safety or other humanitarian purposes, or c) the Committee has determined on a case-by-case basis that the expulsion of the individual would be contrary to the objectives of resolutions 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013) and this resolution;

The Department of Homeland Security can remove such an individual pursuant to a final order of removal, or if the individual poses a threat to national security or public safety (see 8 U.S.C. § 1227 (a) (4)).

Paragraph 14: Decides that, if a Member State determines that an individual who is not a national of that State is working on behalf of or at the direction of a designated individual or entity or assisting the evasion of sanctions or violating the provisions of resolutions 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013) or this resolution, then Member States shall expel the individual from their territories for the purpose of repatriation to the individual's state of nationality, consistent with applicable national and international law, unless the presence of the individual is required for fulfillment of a judicial process or exclusively for medical, safety or other humanitarian purposes, or the Committee has determined on a case-by-case basis that the expulsion of the individual would be contrary to the objectives of resolutions 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013) or this resolution, provided that nothing in this paragraph shall impede the transit of representatives of the Government of the DPRK to the United Nations Headquarters or other UN facilities to conduct United Nations business;

The Department of Justice may be able to prosecute such an alien if there was a violation of federal criminal law; if not, the Department of Homeland Security would consider grounds for removal if necessary. The Department of Homeland Security can remove such an individual pursuant to a final order of removal, or if the individual poses a threat to national security or public safety (see 8 U.S.C. § 1227 (a) (4)).

Paragraph 17: Decides that all Member States shall prevent specialized teaching or training of DPRK nationals within their territories or by their nationals of disciplines which could contribute to the DPRK's proliferation sensitive nuclear activities or the development of nuclear weapon delivery systems, including teaching or training in advanced physics, advanced computer simulation and

related computer sciences, geospatial navigation, nuclear engineering, aerospace engineering, aeronautical engineering and related disciplines;

Section 3 (a) (i) of Executive Order 13722, administered by the Department of the Treasury in consultation with the Department of State, prohibits the exportation or re-exportation, direct or indirect, from the United States, or by a United States person, wherever located, of any goods, services or technology to the DPRK, except as otherwise licensed or exempted. The Bureau of Industry and Security continues to restrict exports and re-exports of technology and software of United States origin to the DPRK, whether by United States persons or non-United States persons, including deemed exports and re-exports (releases of technology subject to the Export Administration Regulations to a foreign national in the United States or in a third country). The provision of specialized teaching or training to DPRK nationals could constitute an export of services to the DPRK under the Executive Order (and is therefore prohibited except as otherwise licensed or exempted). Such teaching or training could also involve a release of technology to a foreign national; if the technology is subject to the Export Administration Regulations, the Bureau of Industry and Security would restrict its release as a deemed export or re-export under the Export Administration Regulations. (The standard is whether information that constitutes "technology" subject to the Export Administration Regulations is released, including by visual inspection or verbal communications, to a foreign national in the United States or in a third country.)

Consular officers may refuse a visa to such an alien if there are reasonable grounds to believe that the alien seeks to enter the United States to violate or evade United States export control laws (including the ban under Executive Order 13722 on the export of services to the DPRK and the Export Administration Regulations restrictions on exports and re-exports of technology to DPRK nationals, wherever located) (see 8 U.S.C. § 1182).

Paragraph 18: Decides that all States shall inspect the cargo within or transiting through their territory, including in their airports, seaports and free trade zones, that has originated in the DPRK, or that is destined for the DPRK, or has been brokered or facilitated by the DPRK or its nationals, or by individuals or entities acting on their behalf or at their direction, or entities owned or controlled by them, or by designated individuals or entities, or that is being transported on DPRK flagged aircraft or maritime vessels, for the purposes of ensuring that no items are transferred in violation of resolutions 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013) and this resolution, and calls upon States to implement such inspections in a manner that minimizes the impact on the transfer of cargo that the State determines is for humanitarian purposes;

With respect to cargo that has originated in the DPRK, section 1 of Executive Order 13570, administered by the Department of the Treasury in consultation with the Department of State, prohibits the importation into the United States, directly or indirectly, of any goods, services or technology from the DPRK, unless otherwise licensed or exempted.

With respect to cargo that is destined for the DPRK:

- The Export Administration Regulations, administered by the Bureau of Industry and Security of the Department of Commerce, prohibit the export from the United States to the DPRK (or re-export from a third country to the

DPRK) of all items subject to those Regulations except food or medicine designated as "EAR99", unless otherwise licensed.

- Section 3 (a) (i) of Executive Order 13722, administered by the Department of the Treasury in consultation with the Department of State, prohibits the exportation or re-exportation, direct or indirect, from the United States, or by a United States person, wherever located, of any goods, services or technology to the DPRK, except as otherwise licensed or exempted. (As noted above, the Office of Foreign Assets Control prohibits the re-export by United States persons from abroad to the DPRK of items not subject to the Export Administration Regulations.)

- The Department of Homeland Security, United States Customs and Border Protection, can inspect all cargo on aircraft destined for or departing the United States (see, e.g., 19 U.S.C. §§ 482, 1499), and seize and/or forfeit any article introduced or exported contrary to law or arms or munitions of war exported in violation of law, as well as any associated vessel or aircraft (see, e.g., 19 U.S.C. § 1595a and 22 U.S.C. § 401).

With respect to DPRK-flagged aircraft, the DPRK is a "special interest country", as designated by the State Department. Consequently, all DPRK-registered aircraft, aircraft using the International Civil Aviation Organization (ICAO) designator of a DPRK company or aircraft used for DPRK diplomatic flights require Federal Aviation Administration routing authorization for flights in United States territorial airspace. Authorizations for such flights could be conditioned upon a requirement to land at an appropriate location for inspection.

With respect to aircraft of any flag subject to inspection under paragraph 18 of Security Council resolution 2270 (2016), if there is a need to reroute an aircraft and direct it to land for inspection, to deny it clearance to take off from, land in or overfly the United States or for any other special air traffic handling, such as directing the aircraft to park at a specially designated location, the agency responsible for ordering the inspection — which could be the Department of State, the Department of Homeland Security or other agencies — would inform the National Tactical Security Operations Air Traffic Security Coordinator team, which is a 24/7 operational security cell at Federal Aviation Administration headquarters. The Federal Aviation Administration's Air Traffic Organization would then work with the requesting agency to direct the aircraft to an appropriate location where the appropriate United States or foreign partner resources can be brought to bear. (Note: In certain limited circumstances, the Federal Aviation Administration provides air traffic services in the territorial airspace of foreign countries under international arrangements and could potentially be involved in handling flights for which the relevant authorities of those foreign countries ordered inspections under paragraph 18.)

Depending on the nature of any cargo carried in violation of paragraph 18 that might be found during an inspection, there could be a violation of the Department of Transportation Hazardous Materials Regulations in subchapter C of subtitle B of Title 49 of the Code of Federal Regulations, which the Federal Aviation Administration enforces with respect to aviation, and potentially of other Federal Aviation Administration regulations.

The Departments of Commerce and the Treasury coordinate any proposed licences with the Department of State, to address compliance with paragraph 18.

Paragraph 19: Decides that Member States shall prohibit their nationals and those in their territories from leasing or chartering their flagged vessels or aircraft or providing crew services to the DPRK, and decides that this prohibition shall also apply with respect to any designated individuals or entities, any other DPRK entities, any other individuals or entities whom the State determines to have assisted in the evasion of sanctions or in violating the provisions of resolutions 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013) or this resolution, any individuals or entities acting on behalf or at the direction of any of the aforementioned, and any entities owned or controlled by any of the aforementioned, calls upon Member States to de register any vessel that is owned, operated or crewed by the DPRK, further calls upon Member States not to register any such vessel that is de-registered by another Member State pursuant to this paragraph, and decides that this provision shall not apply with respect to such leasing, chartering or provision of crew services notified to the Committee in advance on a case-by-case basis accompanied by: a) information demonstrating that such activities are exclusively for livelihood purposes which will not be used by DPRK individuals or entities to generate revenue, and b) information on measures taken to prevent such activities from contributing to violations of the aforementioned resolutions;

Section 3 (a) (i) of Executive Order 13722, administered by the Department of the Treasury in consultation with the Department of State, prohibits the exportation or re-exportation, direct or indirect, from the United States, or by a United States person, wherever located, of any goods, services or technology to the DPRK, except as otherwise licensed or exempted. Section 1 of Executive Order 13722 blocks property and interests in property of the Government of the DPRK. These provisions prohibit United States persons, which includes persons located in the United States, from leasing or chartering vessels or aircraft or providing crew services to the DPRK and DPRK entities, unless otherwise licensed.

Existing authorities prohibit United States persons, which includes persons located in the United States, from leasing or chartering vessels or aircraft or providing crew services to other United Nations-designated entities that the United States has already designated domestically.

The Office of Foreign Assets Control rules also block entities that are 50 per cent or more owned by designated persons.

Individuals and entities acting on behalf or at the direction of a designated individual or entity, and entities that are controlled (but are not 50 per cent or more owned) by designated entities, are generally subject to derivative designations under the authority used to designate the primary target.

With respect to the call upon States to de-register and not register vessels in certain circumstances, subchapter G of Title 46 of the Code of Federal Regulations contains the regulations that govern the registration and documentation requirements for vessels seeking registration in the United States. Those regulations also set forth the requirements for ownership interest in United States-registered vessels. Further, when a vessel comes into United States registry after having been registered in a foreign country, the applicant must present a copy of the last foreign registration and evidence of removal from all foreign registries. If a United States

vessel is surrendering United States-vessel documentation and is sold or registered as a foreign vessel, the vessel owner must provide the United States Coast Guard with evidence of the sale and the nationality of the buyer or country where the vessel will be registered.

Paragraph 20: Decides that all States shall prohibit their nationals, persons subject to their jurisdiction and entities incorporated in their territory or subject to their jurisdiction from registering vessels in the DPRK, obtaining authorization for a vessel to use the DPRK flag, and from owning, leasing, operating, providing any vessel classification, certification or associated service, or insuring any vessel flagged by the DPRK, and decides that this measure shall not apply to activities notified in advance by the Committee on a case-by-case basis, following provision to the Committee of detailed information on the activities, including the names of individuals and entities involved in them, information demonstrating that such activities are exclusively for livelihood purposes which will not be used by DPRK individuals or entities to generate revenue and on measures taken to prevent such activities from contributing to violations of resolutions 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013) or this resolution;

Under Executive Order 13466, administered by the Department of the Treasury in consultation with the Department of State, United States persons may not register a vessel in the DPRK, obtain authorization for a vessel to fly the DPRK's flag or own, lease, operate or insure any vessel flagged by the DPRK.

Section 3 (a) (i) of Executive Order 13722, administered by the Department of the Treasury in consultation with the Department of State, prohibits the exportation or re-exportation, direct or indirect, from the United States, or by a United States person, wherever located, of any goods, services or technology to the DPRK, except as otherwise licensed or exempted. Pursuant to this section of the Executive Order, which also refers to Commerce authorities (given existing Export Administration Regulations export and re-export licence requirements), the Office of Foreign Assets Control prohibits exports from abroad/re-exports by United States persons of items not subject to the Export Administration Regulations (primarily foreign origin/non-United States-origin items), as well as services. The Bureau of Industry and Security would continue to approve or deny licence applications for exports and re-exports of items subject to the Export Administration Regulations, including by United States persons, wherever located.

Paragraph 21: Decides that all States shall deny permission to any aircraft to take off from, land in or overfly, unless under the condition of landing for inspection, their territory, if they have information that provides reasonable grounds to believe that the aircraft contains items the supply, sale, transfer or export of which is prohibited by resolutions 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013) or this resolution, except in the case of an emergency landing, and calls upon all States, when considering whether to grant overflight permission to flights to assess known risk factors;

The Federal Aviation Administration is responsible for the management of the navigable airspace of the United States and may direct the movement of airborne aircraft (see 49 U.S.C. 40103). The Federal Aviation Administration may reroute an aircraft and deny permission for take-off from, landing in or overflight of United States territory.

If there is a need to reroute an aircraft and direct it to land for inspection/interdiction; deny it clearance to take off from, land in or overfly the United States; or for any other special air traffic handling, such as directing the aircraft to park at a specially designated location, the agency responsible for ordering the inspection or interdicting the prohibited activity — which could be the Department of State, the Department of Homeland Security or other agencies — would inform the National Tactical Security Operations Air Traffic Security Coordinator team, which is a 24/7 operational security cell at Federal Aviation Administration headquarters. The Federal Aviation Administration's Air Traffic Organization would then work with the requesting agency to direct the aircraft to an appropriate location where the appropriate United States or foreign partner resources can be brought to bear.

As the DPRK is a "special interest country", as designated by the State Department, all DPRK-registered aircraft, aircraft using the ICAO designator of a DPRK company or aircraft used for DPRK diplomatic flights require Federal Aviation Administration routing authorization for flights in United States territorial airspace. Authorizations for such flights could be conditioned upon a requirement to land at an appropriate location for inspection.

Depending on the nature of any items carried in violation of paragraph 21 of Security Council resolution 2270 (2016) that might be found during an inspection, there could be a violation of the Department of Transportation Hazardous Materials Regulations in subchapter C of subtitle B of Title 49 of the Code of Federal Regulations, which the Federal Aviation Administration enforces with respect to aviation, and potentially of other Federal Aviation Administration regulations.

Paragraph 22: Decides that all Member States shall prohibit the entry into their ports of any vessel if the Member State has information that provides reasonable grounds to believe the vessel is owned or controlled, directly or indirectly, by a designated individual or entity, or contains cargo the supply, sale, transfer or export of which is prohibited by resolutions 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013) or this resolution, unless entry is required in the case of emergency or in the case of return to its port of origination, or for inspection, or unless the Committee determines in advance that such entry is required for humanitarian purposes or any other purposes consistent with the objectives of this resolution;

The Department of Homeland Security implements the provision under paragraph 22 of Security Council resolution 2270 (2016) under existing general harbour master authorities to deny entry to vessels. The United States Coast Guard can deny port entry to vessels for safety or security purposes (see 33 U.S.C. §§ 1223).

Paragraph 23: Recalls that the Committee has designated the DPRK firm Ocean Maritime Management (OMM), notes that the vessels specified in Annex III c.f this resolution are economic resources controlled or operated by OMM and therefore subject to the asset freeze imposed in paragraph 8 (d) of resolution 1718 (2006), and underscores that Member States are required to implement the relevant provisions of that resolution;

The Department of the Treasury identified all of the vessels listed in annex III to resolution 2270 (2016) as property of designated entities subject to its asset freeze.

Paragraph 27: Decides that the measures imposed in paragraphs 8 (a) and 8 (b) of resolution 1718 (2006) shall also apply to any item if the State determines that such item could contribute to the DPRK's nuclear or ballistic missile programs or other weapons of mass destruction programs, activities prohibited by resolutions 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013), and this resolution, or to the evasion of measures imposed by resolutions 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013), and this resolution;

With respect to exports to the DPRK:

- **The Export Administration Regulations, administered by the Bureau of Industry and Security of the Department of Commerce, prohibit the export from the United States to the DPRK (or re-export to the DPRK) of all items subject to those Regulations except food or medicine designated as "EAR99", unless otherwise licensed. The Bureau of Industry and Security's licensing authority broadly covers exports/re-exports that could contribute to the DPRK's weapons of mass destruction or ballistic missile programmes or to the evasion of restrictions set forth in DPRK-related Security Council resolutions. The Bureau of Industry and Security applies a policy of denial to the transactions described in paragraph 27 of Security Council resolution 2270 (2016).**
- **Section 3 (a) (i) of Executive Order 13722, administered by the Department of the Treasury in consultation with the Department of State, prohibits the exportation or re-exportation, direct or indirect, from the United States, or by a United States person, wherever located, of any goods, services or technology to the DPRK, except as otherwise licensed or exempted. (The Office of Foreign Assets Control prohibits exports/re-exports of items not subject to Bureau of Industry and Security licences or its jurisdiction, including exports from abroad/re-exports by United States persons of items not subject to the Export Administration Regulations.)**
- **With respect to United States-flagged aircraft, since 1998, the Federal Aviation Administration has prohibited civil flight operations by United States-registered aircraft, except where the operator of such aircraft is a foreign air carrier, through the Pyongyang Flight Information Region west of 132 degrees east longitude, which includes the DPRK's territorial airspace. The flight prohibition also applies to all United States air carriers or commercial operators and all persons exercising the privileges of an airman certificate issued by the Federal Aviation Administration except such persons operating United States-registered aircraft for foreign air carriers. Exceptions exist for (a) operations authorized by an exemption issued by the Federal Aviation Administration; (b) operations authorized by another agency of the Government of the United States with Federal Aviation Administration approval; and (c) in-flight emergencies.**
- **The Department of Homeland Security, United States Customs and Border Protection, can inspect all cargo on aircraft destined for or departing the United States (see, e.g., 19 U.S.C. §§ 482, 1499), and seize and/or forfeit any article introduced or exported contrary to law or arms or munitions of war exported in violation of law, as well as any associated vessel or aircraft (see, e.g., 19 U.S.C. § 1595a and 22 U.S.C. § 401).**

- With respect to United States-flagged vessels, pursuant to 14 U.S.C. § 89, the Department of Homeland Security/United States Coast Guard may board and inspect any United States-flagged vessel anywhere it is located, beyond the territorial waters of another country, to enforce United States laws. If the vessel is itself of United States origin, or if the value of the United States-origin parts of the vessel exceeds 10 per cent of the vessel's total value, the vessel itself is subject to the Export Administration Regulations and a Bureau of Industry and Security licence would be required for the vessel to travel to the DPRK. Within United States customs waters (up to 24 nautical miles from United States shores) or a declared customs-enforcement area (see 19 U.S.C. § 1701), the Department of Homeland Security/Coast Guard and the United States Customs and Border Protection share authority to board vessels, examine manifests and search cargo (see, e.g., 19 U.S.C. § 1581 and 14 U.S.C. § 89).

With respect to procurement from the DPRK:

- Section 1 of Executive Order 13570, administered by the Department of the Treasury in consultation with the Department of State, prohibits the importation into the United States, directly or indirectly, of any goods, services or technology from the DPRK. Section 2 (a) of Executive Order 13570 prohibits any transaction by a United States person or within the United States that evades or avoids, has the purpose of evading or avoiding, causes a violation of or attempts to violate the prohibitions in Executive Order 13570.

- In addition, wherever located, a United States person is prohibited by Executive Order 13722 from dealing in property in which a designated person or the Government of the DPRK has any interest.

Paragraph 29: Decides that the DPRK shall not supply, sell or transfer, directly or indirectly, from its territory or by its nationals or using its flag vessels or aircraft, coal, iron, and iron ore, and that all States shall prohibit the procurement of such material from the DPRK by their nationals, or using their flag vessels or aircraft, and whether or not originating in the territory of the DPRK, and decides that this provision shall not apply with respect to:

(a) Coal that the procuring State confirms on the basis of credible information has originated outside the DPRK and was transported through the DPRK solely for export from the Port of Rajin (Rason), provided that the State notifies the Committee in advance and such transactions are unrelated to generating revenue for the DPRK's nuclear or ballistic missile programs or other activities prohibited by resolutions 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013) or this resolution; and,

(b) Transactions that are determined to be exclusively for livelihood purposes and unrelated to generating revenue for the DPRK's nuclear or ballistic missile programs or other activities prohibited by resolutions 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013) or this resolution;

Section 1 of Executive Order 13570, administered by the Department of the Treasury in consultation with the Department of State, prohibits the importation into the United States, directly or indirectly, of any goods, services or technology from the DPRK. Section 2 (a) of Executive Order 13570 prohibits any transaction by a United States person or within the United States that evades or avoids, has the

purpose of evading or avoiding, causes a violation of or attempts to violate the prohibitions in Executive Order 13570.

In addition, wherever located, a United States person is prohibited by Executive Order 13722 from dealing in property in which a designated person or the Government of the DPRK has any interest.

With respect to United States-flagged aircraft, since 1998, the Federal Aviation Administration has prohibited civil flight operations by United States-registered aircraft, except where the operator of such aircraft is a foreign air carrier, through the Pyongyang Flight Information Region west of 132 degrees east longitude, which includes the DPRK's territorial airspace. The flight prohibition also applies to all United States air carriers or commercial operators and all persons exercising the privileges of an airman certificate issued by the Federal Aviation Administration except such persons operating United States-registered aircraft for foreign air carriers. Exceptions exist for (a) operations authorized by an exemption issued by the Federal Aviation Administration; (b) operations authorized by another agency of the Government of the United States with Federal Aviation Administration approval; and (c) in-flight emergencies.

The Department of Homeland Security, United States Customs and Border Protection, can inspect all cargo on aircraft destined for or departing the United States (see, e.g., 19 U.S.C. §§ 482, 1499), and seize and/or forfeit any article introduced or exported contrary to law or arms or munitions of war exported in violation of law, as well as any associated vessel or aircraft (see, e.g., 19 U.S.C. § 1595a and 22 U.S.C. § 401).

With respect to United States-flagged vessels, pursuant to 14 U.S.C. § 89, the Department of Homeland Security/United States Coast Guard may board and inspect any United States-flagged vessel anywhere it is located, beyond the territorial waters of another country, to enforce United States laws. If the vessel is itself of United States origin, or if the value of the United States-origin parts of the vessel exceeds 10 per cent of the vessel's total value, the vessel itself is subject to the Export Administration Regulations and a Bureau of Industry and Security licence would be required for the vessel to travel to the DPRK. Within United States customs waters (up to 24 nautical miles from United States shores) or a declared customs-enforcement area (see 19 U.S.C. § 1701), the Department of Homeland Security/Coast Guard and the United States Customs and Border Protection share authority to board vessels, examine manifests and search cargo (see, e.g., 19 U.S.C. § 1581 and 14 U.S.C. § 89).

Paragraph 30: Decides that the DPRK shall not supply, sell or transfer, directly or indirectly, from its territory or by its nationals or using its flag vessels or aircraft, gold, titanium ore, vanadium ore, and rare earth minerals, and that all States shall prohibit the procurement of such material from the DPRK by their nationals, or using their flag vessels or aircraft, and whether or not originating in the territory of the DPRK;

Section 1 of Executive Order 13570, administered by the Department of the Treasury in consultation with the Department of State, prohibits the importation into the United States, directly or indirectly, of any goods, services or technology from the DPRK. Section 2 (a) of Executive Order 13570 prohibits any transaction by a United States person or within the United States that evades or avoids, has the

purpose of evading or avoiding, causes a violation of or attempts to violate the prohibitions in Executive Order 13570.

With respect to United States-flagged aircraft, since 1998, the Federal Aviation Administration has prohibited civil flight operations by United States-registered aircraft, except where the operator of such aircraft is a foreign air carrier, through the Pyongyang Flight Information Region west of 132 degrees east longitude, which includes the DPRK's territorial airspace. The flight prohibition also applies to all United States air carriers or commercial operators and all persons exercising the privileges of an airman certificate issued by the Federal Aviation Administration except such persons operating United States-registered aircraft for foreign air carriers. Exceptions exist for (a) operations authorized by an exemption issued by the Federal Aviation Administration; (b) operations authorized by another agency of the Government of the United States with Federal Aviation Administration approval; and (c) in-flight emergencies.

The Department of Homeland Security, United States Customs and Border Protection, can inspect all cargo on aircraft destined for or departing the United States (see, e.g., 19 U.S.C. §§ 482, 1499), and seize and/or forfeit any article introduced or exported contrary to law or arms or munitions of war exported in violation of law, as well as any associated vessel or aircraft (see, e.g., 19 U.S.C. § 1595a and 22 U.S.C. § 401).

With respect to United States-flagged vessels, pursuant to 14 U.S.C. § 89, the Department of Homeland Security/United States Coast Guard may board and inspect any United States-flagged vessel anywhere it is located, beyond the territorial waters of another country, to enforce United States laws. If the vessel is itself of United States origin, or if the value of the United States-origin parts of the vessel exceeds 10 per cent of the vessel's total value, the vessel itself is subject to the Export Administration Regulations and a Bureau of Industry and Security licence would be required for the vessel to travel to the DPRK. Within United States customs waters (up to 24 nautical miles from United States shores) or a declared customs-enforcement area (see 19 U.S.C. § 1701), the Department of Homeland Security/Coast Guard and the United States Customs and Border Protection share authority to board vessels, examine manifests and search cargo (see, e.g., 19 U.S.C. § 1581 and 14 U.S.C. § 89).

Paragraph 31: Decides that all States shall prevent the sale or supply, by their nationals or from their territories or using their flag vessels or aircraft, of aviation fuel, including aviation gasoline, naptha-type jet fuel, kerosene-type jet fuel, and kerosene-type rocket fuel, whether or not originating in their territory, to the territory of the DPRK, or unless the Committee has approved in advance on an exceptional case-by-case basis the transfer to the DPRK of such products for verified essential humanitarian needs, subject to specified arrangements for effective monitoring of delivery and use, and decides also that this provision shall not apply with respect to the sale or supply of aviation fuel to civilian passenger aircraft outside the DPRK exclusively for consumption during its flight to the DPRK and its return flight;

The Export Administration Regulations, administered by the Bureau of Industry and Security of the Department of Commerce, prohibit the export from the United States to the DPRK (or re-export from a third country) of all items subject to those Regulations except food or medicine designated as "EAR99", unless

otherwise licensed. The Regulations licence requirement covers all vessels or aircraft subject to those Regulations, regardless of flag. The Bureau of Industry and Security would review licence applications for the sale/supply of aviation fuel subject to the Regulations, or vessels or aircraft subject to the Regulations transporting the fuel, under a general policy of denial.

Section 3 (a) (i) of Executive Order 13722, administered by the Department of the Treasury in consultation with the Department of State, prohibits the exportation or re-exportation, direct or indirect, from the United States, or by a United States person, wherever located, of any goods, services or technology to the DPRK, except as otherwise licensed or exempted. Under the Executive Order, the Office of Foreign Assets Control prohibits exports from abroad by United States persons of items not subject to the Export Administration Regulations.

With respect to United States-flagged aircraft, since 1998, the Federal Aviation Administration has prohibited civil flight operations by United States-registered aircraft, except where the operator of such aircraft is a foreign air carrier, through the Pyongyang Flight Information Region west of 132 degrees east longitude, which includes the DPRK's territorial airspace. The flight prohibition also applies to all United States air carriers or commercial operators and all persons exercising the privileges of an airman certificate issued by the Federal Aviation Administration except such persons operating United States-registered aircraft for foreign air carriers. Exceptions exist for (a) operations authorized by an exemption issued by the Federal Aviation Administration; (b) operations authorized by another agency of the Government of the United States with Federal Aviation Administration approval; and (c) in-flight emergencies.

The Department of Homeland Security, United States Customs and Border Protection, can inspect all cargo on aircraft destined for or departing the United States (see, e.g., 19 U.S.C. §§ 482, 1499), and seize and/or forfeit any article introduced or exported contrary to law or arms or munitions of war exported in violation of law, as well as any associated vessel or aircraft (see, e.g., 19 U.S.C. § 1595a and 22 U.S.C. § 401).

With respect to United States-flagged vessels, pursuant to 14 U.S.C. § 89, the Department of Homeland Security/United States Coast Guard may board and inspect any United States-flagged vessel anywhere it is located, beyond the territorial waters of another country, to enforce United States laws. If the vessel is itself of United States origin, or if the value of the United States-origin parts of the vessel exceeds 10 per cent of the vessel's total value, the vessel itself is subject to the Export Administration Regulations and a Bureau of Industry and Security licence would be required for the vessel to travel to the DPRK. Within United States customs waters (up to 24 nautical miles from United States shores) or a declared customs-enforcement area (see 19 U.S.C. § 1701), the Department of Homeland Security/Coast Guard and the United States Customs and Border Protection share authority to board vessels, examine manifests and search cargo (see, e.g., 19 U.S.C. § 1581 and 14 U.S.C. § 89).

Paragraph 32: Decides that the asset freeze imposed by paragraph 8 (d) of resolution 1718 (2006) shall apply to all the funds, other financial assets and economic resources outside of the DPRK that are owned or controlled, directly or indirectly, by entities of the Government of the DPRK or the Worker's Party of Korea, or by individuals or entities acting on their behalf or at their direction, or by

entities owned or controlled by them, that the State determines are associated with the DPRK's nuclear or ballistic missile programs or other activities prohibited by resolutions 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013) or this resolution, decides further that all States except the DPRK shall ensure that any funds, financial assets or economic resources are prevented from being made available by their nationals or by any individuals or entities within their territories, to or for the benefit of such individuals or entities, or individuals or entities acting on their behalf or at their direction, or entities owned or controlled by them, and decides that these measures shall not apply with respect to funds, other financial assets and economic resources that are required to carry out activities of the DPRK's missions to the United Nations and its specialized agencies and related organizations or other diplomatic and consular mission of the DPRK, and to any funds, other financial assets and economic resources that the Committee determines in advance on a case-by-case basis are required for the delivery of humanitarian assistance, denuclearization or any other purpose consistent with the objectives of this resolution;

Section 1 of Executive Order 13722 blocks property and interests in property of the Government of the DPRK and the Worker's Party of Korea.

Paragraph 33: Decides that States shall prohibit in their territories the opening and operation of new branches, subsidiaries, and representative offices of DPRK banks, decides further that States shall prohibit financial institutions within their territories or subject to their jurisdiction from establishing new joint ventures and from taking an ownership interest in or establishing or maintaining correspondent relationships with DPRK banks, unless such transactions have been approved by the Committee in advance, and decides that States shall take the necessary measures to close such existing branches, subsidiaries and representative offices, and also to terminate such joint ventures, ownership interests and correspondent banking relationships with DPRK banks within ninety days from the adoption of this resolution;

Section 3 (a) (i) of Executive Order 13722, administered by the Department of the Treasury in consultation with the Department of State, prohibits the exportation or re-exportation, direct or indirect, from the United States, or by a United States person, wherever located, of any goods, services or technology to the DPRK, except as otherwise licensed or exempted. Section 3 (a) (ii) of Executive Order 13722 prohibits new investment in the DPRK by United States persons, wherever located.

Section 1 of Executive Order 13570, administered by the Department of the Treasury in consultation with the Department of State, prohibits the importation into the United States, directly or indirectly, of any goods, services or technology from the DPRK. Section 2 (a) of Executive Order 13570 prohibits any transaction by a United States person or within the United States that evades or avoids, has the purpose of evading or avoiding, causes a violation of or attempts to violate the prohibitions in Executive Order 13570.

Paragraph 34: Decides that States shall prohibit financial institutions within their territories or subject to their jurisdiction from opening new representative offices or subsidiaries, branches or banking accounts in the DPRK;

Section 3 (a) (i) of Executive Order 13722, administered by the Department of the Treasury in consultation with the Department of State, prohibits the exportation

or re-exportation, direct or indirect, from the United States, or by a United States person, wherever located, of any goods, services or technology to the DPRK, except as otherwise licensed or exempted. Section 3 (a) (ii) of Executive Order 13722 prohibits new investment in the DPRK by United States persons, wherever located.

Section 1 of Executive Order 13570, administered by the Department of the Treasury in consultation with the Department of State, prohibits the importation into the United States, directly or indirectly, of any goods, services or technology from the DPRK. Section 2 (a) of Executive Order 13570 prohibits any transaction by a United States person or within the United States that evades or avoids, has the purpose of evading or avoiding, causes a violation of or attempts to violate the prohibitions in Executive Order 13570.

Paragraph 35: Decides that States shall take the necessary measures to close existing representative offices, subsidiaries or banking accounts in the DPRK within ninety days, if the State concerned has credible information that provides reasonable grounds to believe that such financial services could contribute to the DPRK's nuclear or ballistic missile programs, or other activities prohibited by resolutions 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013) or this resolution, and decides further that this provision shall not apply if the Committee determines on a case-by-case basis that such offices, subsidiaries or accounts are required for the delivery of humanitarian assistance or the activities of diplomatic missions in the DPRK pursuant to the Vienna Convention on Diplomatic Relations or the activities of the United Nations or its specialized agencies or related organizations, or for any other purposes consistent with resolutions 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013) or this resolution;

Section 3 (a) (i) of Executive Order 13722, administered by the Department of the Treasury in consultation with the Department of State, prohibits the exportation or re-exportation, direct or indirect, from the United States, or by a United States person, wherever located, of any goods, services or technology to the DPRK, except as otherwise licensed or exempted.

Section 1 of Executive Order 13570, administered by the Department of the Treasury in consultation with the Department of State, prohibits the importation into the United States, directly or indirectly, of any goods, services or technology from the DPRK. Section 2 (a) of Executive Order 13570 prohibits any transaction by a United States person or within the United States that evades or avoids, has the purpose of evading or avoiding, causes a violation of or attempts to violate the prohibitions in Executive Order 13570.

Paragraph 36: Decides that all States shall prohibit public and private financial support from within their territories or by persons or entities subject to their jurisdiction for trade with the DPRK (including the granting of export credits, guarantees or insurance to their nationals or entities involved in such trade) where such financial support could contribute to the DPRK's nuclear or ballistic missile programs or other activities prohibited by resolutions 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013) or this resolution, including paragraph 8;

Section 3 (a) (i) of Executive Order 13722, administered by the Department of the Treasury in consultation with the Department of State, prohibits the exportation or re-exportation, direct or indirect, from the United States, or by a United States person, wherever located, of any goods, services or technology to the DPRK, except

as otherwise licensed or exempted. Section 3 (a) (ii) of Executive Order 13722 prohibits new investment in the DPRK by United States persons, wherever located.

The Bureau of Industry and Security would also have a role based on its authority to approve or deny licence applications for United States persons' activities that could contribute to the DPRK's weapons of mass destruction programmes or other activities prohibited under the various DPRK Security Council resolutions. Applications to engage in such activities will be denied if the activities would make a material contribution to the DPRK's weapons of mass destruction programmes (see section 744.6 of the Export Administration Regulations). Such prohibited support need not involve the export/re-export of an item subject to the Export Administration Regulations.

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Note verbale dated 31 May 2016 from the Permanent Mission of Ukraine to the United Nations addressed to the Chair of the Committee

The Permanent Mission of Ukraine to the United Nations, in accordance with paragraph 40 of Security Council resolution 2270 (2016), has the honour to submit herewith the report regarding Ukraine's implementation of the above-mentioned resolution (see annex).

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Annex to the note verbale dated 31 May 2016 from the Permanent Mission of Ukraine to the United Nations addressed to the Chair of the Committee

Report regarding Ukraine's implementation of Security Council resolution 2270 (2016)

Ukraine consistently pays particular attention to ensuring that Security Council resolutions are implemented and adheres strictly to their provisions.

On 16 May 2007, the Cabinet of Ministers of Ukraine adopted resolution No. 746, entitled "On implementation of the resolution of the United Nations Security Council on the Democratic People's Republic of Korea".

On 14 August 2014, Law No. 1644-VII, entitled "On sanctions", was adopted, which envisages, in article 3, subparagraph 1 (2), that resolutions of the Security Council are a basis for the application of sanctions by Ukraine.

Following the adoption by the Security Council of resolution 2270 (2016), the Ministry of Foreign Affairs of Ukraine promptly informed all State executive bodies concerned, as well as the National Bank of Ukraine, of the action that must be taken pursuant to Security Council resolution 2270 (2016).

Furthermore, the Ministry of Foreign Affairs of Ukraine prepared a draft order of the Cabinet of Ministers of Ukraine on the proposal for the application of sectoral, special economic and other restrictive measures, in accordance with Security Council resolution 2270 (2016) concerning the Democratic People's Republic of Korea. The document includes provisions on the implementation of Security Council resolution 2270 (2016) in all its aspects. The draft order is currently undergoing the requisite approval procedures, in line with the national legislation of Ukraine.

Ukraine intends to continue its close collaboration with the Security Council Committee established pursuant to resolution 1718 (2006) with the aim of fulfilling the requirements envisaged in resolution 2270 (2016). Following the approval and circulation by the Committee, on 25 May 2016, of implementation assistance notice No. 2 on guidelines on the preparation and submission of national implementation reports, together with the optional checklist template on measures contained in Security Council resolutions 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013) and 2270 (2016) relevant to Member States' national implementation reports, the said documents will be forwarded to the State bodies concerned for their consideration and preparation of the relevant information.

United Nations S/AC.49/2016/10

Security Council

Distr.: General
16 June 2016

Original: English

Security Council Committee established pursuant to resolution 1718 (2006)

Note verbale dated 27 May 2016 from the Permanent Mission of Egypt to the United Nations addressed to the Chair of the Committee

In reference to paragraph 40 of Security Council resolution 2270 (2016), by which the Council called upon all States to report on measures that they had taken in order to implement effectively the provisions of the resolution, the Government of the Arab Republic of Egypt has the honour to state that it has taken note of the aforementioned paragraph and has informed all relevant ministries and State agencies of the provisions contained therein with a view to taking the measures necessary to implement the terms and provisions of the resolution.

16-10117 (E) 170616

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United Nations S/AC.49/2016/11

Security Council

Distr.: General
16 June 2016

Original: English

Security Council Committee established pursuant to resolution 1718 (2006)

Note verbale dated 31 May 2016 from the Permanent Mission of the Lao People's Democratic Republic to the United Nations addressed to the Chair of the Committee

The Permanent Mission of the Lao People's Democratic Republic to the United Nations has the honour to enclose herewith the national report of the Lao People's Democratic Republic on the implementation of Security Council resolution 2270 (2016) (see annex).

16-10121 (E) 220616

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Annex to the note verbale dated 31 May 2016 from the Permanent Mission of the Lao People's Democratic Republic to the United Nations addressed to the Chair of the Committee

National report of the Lao People's Democratic Republic on the implementation of Security Council resolution 2270 (2016)

The Lao People's Democratic Republic supports the efforts of the Security Council and the international community to counter the threat to international peace and security posed by nuclear weapons and other weapons of mass destruction.

In compliance with Security Council resolution 2270 (2016), the Government has issued an instruction to all relevant ministries and agencies to strictly implement the provisions of the resolution. The list of individuals, entities, Ocean Maritime Management Company, Limited, vessels and luxury goods subject to the sanctions established under the resolution was also distributed to all ministries and agencies concerned. The Government has the honour to report that financial activities, trade and exchange of goods with the Democratic People's Republic of Korea have been nearly non-existent over the past years. In addition, despite the fact that the Lao People's Democratic Republic has a diplomatic relationship and exchanges visits with the Democratic People's Republic of Korea, it has firmly adhered to the resolution and conducted such activity in a manner that does not violate the provisions of the resolution.

The Lao People's Democratic Republic reaffirms its commitment to implementing the resolutions of the Security Council and supports the peace, stability and denuclearization of the Korean Peninsula and dispute settlement through peaceful and constructive dialogue.

United Nations S/AC.49/2016/12

Security Council

Distr.: General
16 June 2016

Original: English

Security Council Committee established pursuant to resolution 1718 (2006)

Note verbale dated 31 May 2016 from the Permanent Mission of Canada to the United Nations addressed to the Chair of the Committee

Canada takes note of Implementation Assistance Notice No. 2, on guidelines on the preparation and submission of national implementation reports, updated on 26 May 2016 by the Security Council Committee established pursuant to resolution 1718 (2006). With regard to paragraph 40 of resolution 2270 (2016), by which the Security Council called upon all States to report to the Council within 90 days of the adoption of the resolution, and thereafter upon request by the Committee, on concrete measures that they had taken in order to implement effectively the provisions of the resolution, Canada is pleased to inform the Committee that many provisions have already been implemented under the country's existing autonomous sanctions regime and that the implementation of the remaining provisions of the resolution is well under way. The country's full report will be submitted to the Committee as soon as the related implementation steps are finalized.

16-10123 (E) 220616

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United Nations S/AC.49/2016/13

Security Council

Distr.: General
16 June 2016

Original: English

Security Council Committee established pursuant to resolution 1718 (2006)

Note verbale dated 1 June 2016 from the Permanent Mission of Australia to the United Nations addressed to the Chair of the Committee

By paragraph 40 of its resolution 2270 (2016), the Security Council called upon all States to report to the Council within 90 days of the adoption of the resolution, and thereafter upon request by the Committee, on concrete measures that they had taken in order to implement effectively the provisions of the resolution.

Paragraph 10 of the resolution, designating individuals and entities listed in annexes I and II to the resolution, is automatically implemented in Australia by the Charter of the United Nations (Sanctions — Democratic People's Republic of Korea) Regulation 2008.

The Government of Australia is currently preparing new regulations to give effect to the measures outlined in the remaining paragraphs of the resolution. However, given that the Prime Minister has announced an election for both houses of Parliament on 2 July 2016, the Government is currently subject to the caretaker conventions until the outcome of the election is known. This means that the new regulations will be implemented after the election.

16-10125 (E) 210616

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United Nations S/AC.49/2016/14

Security Council

Distr.: General
16 June 2016

Original: English

Security Council Committee established pursuant to resolution 1718 (2006)

Letter dated 1 June 2016 from the Permanent Mission of the Republic of Korea to the United Nations addressed to the Chair of the Committee

I have the honour to refer to Security Council resolution 2270 (2016) and, in particular, its operative paragraph 40, which calls upon Member States to report to the Security Council on concrete measures that they have taken to implement effectively the provisions of the resolution. In this respect, I have the honour to submit to the Committee established pursuant to resolution 1718 (2006) the report of the Government of the Republic of Korea on the implementation of Security Council resolution 2270 (2016) (see annex).

(*Signed*) Oh Joon
Permanent Representative

16-10132 (E) 010716

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Annex to the letter dated 1 June 2016 from the Permanent Mission of the Republic of Korea to the United Nations addressed to the Chair of the Committee

Report of the Republic of Korea on the implementation of Security Council resolution 2270 (2016)

I. Introduction

The Government of the Republic of Korea ("the Korean Government") is committed to faithfully implementing Security Council resolution 2270 (2016) and all previous Security Council sanctions resolutions on the Democratic People's Republic of Korea, namely, resolutions 1718 (2006), 1874 (2009), 2087 (2013) and 2094 (2013), and to rendering full cooperation to the Security Council Committee established pursuant to resolution 1718 (2006).

The Republic of Korea is a party to international treaties concerning the non-proliferation of weapons of mass destruction, including the Treaty on the Non-Proliferation of Nuclear Weapons, the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction and the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction. It is also a member of all export control regimes, namely, the Nuclear Suppliers Group, the Missile Technology Control Regime, the Australia Group, the Zangger Committee and the Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies. The Korean Government has established a concrete system to fully implement its obligations under the relevant Security Council resolutions, and it will continue to contribute to the international efforts to strengthen the global non-proliferation regime.

Since 2006, the Korean Government has taken the necessary legislative and executive measures to implement the Security Council sanctions resolutions on the Democratic People's Republic of Korea, and submitted its national implementation reports in 2006, 2009 and 2013. Following the adoption of resolution 2270 (2016), the Government has taken additional measures to implement the resolution effectively.

Under the South-North Exchanges and Cooperation Act, the Korean Government's authorization is required for the transfer of all items[1] between the Republic of Korea and the Democratic People's Republic of Korea. In accordance with the Act, the Government bans the transfer to the Democratic People's Republic of Korea of any item prohibited under the relevant Security Council resolutions.

Under the Foreign Trade Act and other relevant laws[2] and administrative measures, such as the Special Measures for Restrictions on Trade for the Maintenance of International Peace and Security and the Public Notice on the Trade of Strategic Goods, the Korean Government bans the transfer, including through a

[1] The term "items" in the present report also includes software and technology.

[2] The Nuclear Safety Act, the Defence Acquisition Programme Act and the Act on the Prohibition of Chemical and Biological Weapons, and the Control of the Production, Export and Import of Specific Chemicals and Biological Agents.

third party, to the Democratic People's Republic of Korea of any item prohibited under the relevant Security Council resolutions.

In addition, the South-North Exchanges and Cooperation Act requires nationals of the Republic of Korea to obtain authorization from the Minister of Unification prior to visiting the Democratic People's Republic of Korea or contacting or engaging in joint projects with residents of that country. Visiting the Democratic People's Republic of Korea or contacting or engaging in joint projects with its residents will be prohibited if such actions are linked to items or activities prohibited by the relevant Security Council resolutions.

Pursuant to the measures of May 24 2010, all exchanges and cooperation with the Democratic People's Republic of Korea were suspended with the exception of the operation of the Kaesong industrial complex. Following the fourth nuclear test and long-range ballistic missile launch by the Democratic People's Republic of Korea early in 2016, however, the Korean Government took measures to cease operations of the complex on 10 February. Currently, there are no exchanges and cooperation between the Republic of Korea and the Democratic People's Republic of Korea.

Because of the repeated launches of ballistic missiles on 15 and 27 April and the launch of submarine-launched ballistic missiles on 23 April, all in violation of the relevant Security Council resolutions, including resolution 2270 (2016), the Korean Government sent letters to the Chair of the 1718 Committee reporting the violations and expressing its expectation of appropriate action from the Committee.

II. Measures taken to implement resolution 2270 (2016)

A. Embargo on weapons of mass destruction and conventional arms and additional items, materials, equipment, goods and technology relating to weapons of mass destruction (paras. 6, 8 and 27)

1. Embargo on conventional arms and related materiel, including small arms and light weapons and their related materiel (para. 6)

Under the South-North Exchanges and Cooperation Act, the Foreign Trade Act, the Special Measures for Restrictions on Trade for the Maintenance of International Peace and Security and the Public Notice on the Trade of Strategic Goods, the Korean Government bans the transfer, including through a third party, to the Democratic People's Republic of Korea of all arms, including small arms and light weapons, and their related materiel.

Currently, all trade between the Republic of Korea and the Democratic People's Republic of Korea is suspended and there is no arms trade of any kind between the two countries.

2. Prohibition of the provision of any items that could directly contribute to the development of the operational capabilities of the armed forces of the Democratic People's Republic of Korea (para. 8)

Under the South-North Exchanges and Cooperation Act, the Foreign Trade Act, the Special Measures for Restrictions on Trade for the Maintenance of International Peace and Security and the Public Notice on the Trade of Strategic

Goods, the Korean Government bans the transfer, including through a third party, to the Democratic People's Republic of Korea of any item prohibited under the relevant Security Council resolutions.

In accordance with the special measures and the public notice, the Korean Government further prohibits the transfer to the Democratic People's Republic of Korea, including through a third party, of those items not on the control lists of the multilateral export control regimes, including the Wassenaar Arrangement, if the item in question is likely to be diverted for use in connection with, including but not limited to, the development, production, operation or storage of conventional arms. Currently, all trade between the Republic of Korea and the Democratic People's Republic of Korea is suspended.

3. Comprehensive control on weapons of mass destruction (para. 27)

Under the South-North Exchanges and Cooperation Act, the Foreign Trade Act, the Special Measures for Restrictions on Trade for the Maintenance of International Peace and Security and the Public Notice on the Trade of Strategic Goods, the Korean Government bans the transfer, including through a third party, to the Democratic People's Republic of Korea of any item prohibited under the relevant Security Council resolutions.

In accordance with the special measures and the public notice, the Korean Government further prohibits the transfer to the Democratic People's Republic of Korea of items not on the control lists of all multilateral export control regimes, if the item in question is likely to be diverted for use in connection with, but not limited to, the development, production, operation and storage of weapons of mass destruction and their means of delivery. Currently, all trade between the Republic of Korea and the Democratic People's Republic of Korea is suspended.

4. Embargo on additional items, materials, equipment, goods and technology relating to weapons of mass destruction (S/2016/308)

Under the South-North Exchanges and Cooperation Act, the Foreign Trade Act, the Special Measures for Restrictions on Trade for the Maintenance of International Peace and Security and the Public Notice on the Trade of Strategic Goods, the Korean Government bans the transfer, including through a third party, to the Democratic People's Republic of Korea of any item prohibited under the relevant Security Council resolutions.

In April 2016, the Korean Government revised the special measures to reflect the additional items listed in S/2016/308 that are prohibited from being transferred to the Democratic People's Republic of Korea. Currently, all trade between the Republic of Korea and the Democratic People's Republic of Korea is suspended.

B. Inspection and interdiction (paras. 18-23)

1. Inspection of cargo within or transiting through the territory of the Republic of Korea that has originated from the Democratic People's Republic of Korea or is destined for it (para. 18)

Under the Customs Act, the Korean Government can inspect goods, means of transportation, storage facilities and related documents or take other necessary

measures to prevent violations of the relevant Security Council resolutions, including resolution 2270 (2016).

The Korean Government will inspect the cargo within or transiting through its territory when the cargo originates from the Democratic People's Republic of Korea or is destined for that country. The Government is also taking necessary measures to reinforce the legal basis for seizing prohibited items found during an inspection.

Currently, all trade and transportation between the Republic of Korea and the Democratic People's Republic of Korea are suspended and the Korean Government does not permit the entry into the ports of the Republic of Korea of vessels that have visited a port of the Democratic People's Republic of Korea during the previous 180 days.

2. Prohibition of leasing or chartering flagged vessels or aircraft or providing crew services to the Democratic People's Republic of Korea (para. 19)

Under the South-North Exchanges and Cooperation Act, the Korean Government's authorization is required for contacting or engaging in joint projects with residents of the Democratic People's Republic of Korea. In accordance with the Act, the Government prohibits joint projects with the Democratic People's Republic of Korea, such as leasing or chartering flagged vessels or aircraft or providing crew services to that country.

The Ministry of Land, Infrastructure and Transport and the Ministry of Oceans and Fisheries informed national carriers and shipping companies of the obligations under resolution 2270 (2016).

3. Prohibition of registering vessels in the Democratic People's Republic of Korea, obtaining authorization for a vessel to use its flag, and owning, leasing, operating, providing any vessel classification, certification or associated service, or insuring any vessel flagged by the Democratic People's Republic of Korea (para. 20)

Under the South-North Exchanges and Cooperation Act, the Korean Government's authorization is required for contacting or engaging in joint projects with residents of the Democratic People's Republic of Korea. In accordance with the Act, the Government prohibits joint projects with the Democratic People's Republic of Korea, such as owning, leasing, operating, providing any vessel classification, certification or associated service, or insuring any flagged vessel of that country. Furthermore, the Government will not allow such vessels to be registered as overseas cargo transportation service providers under the Marine Transportation Act.

The Ministry of Oceans and Fisheries informed Korean shipping companies of the obligations under resolution 2270 (2016).

4. Denial of permission to any aircraft to take off from, land in or overfly the territory of the Republic of Korea if there is information that provides reasonable grounds to believe that the aircraft contains items prohibited by the relevant Security Council resolutions (para. 21)

Under the South-North Exchanges and Cooperation Act, the Korean Government requires the authorization of the Minister of Unification for the operation of aircraft between the Republic of Korea and the Democratic People's

Republic of Korea. When the Government determines that there exist reasonable grounds to believe that any aircraft is involved in activities prohibited under the relevant Security Council resolutions, that aircraft is prohibited from being operated in the Republic of Korea.

Under the Aviation Act, government authorization is required for a foreign aircraft to enter, overfly or leave the territorial airspace of the Republic of Korea. A foreign aircraft is obliged to land in a designated airfield when demanded by the Korean Government. The Act also prohibits a foreign aircraft from carrying weapons and ammunitions when entering or leaving the airspace of the Republic of Korea, unless granted permission by the relevant authorities. Furthermore, under the directive on permitting rights of passage through foreign airspace, permission of overflight will not be granted to an aircraft operating in violation of the relevant Security Council resolutions.

The Korean Government has revised the implementation plan to prevent the operation of aircraft in violation of the relevant Security Council resolutions and held training sessions for the relevant officers following the adoption of resolution 2270 (2016).

Currently, there is no operation of aircraft between the Republic of Korea and the Democratic People's Republic of Korea.

5. Prohibition of the entry into ports of any vessel if there is information that provides reasonable grounds to believe the vessel is owned or controlled by a designated individual or entity, and designation of the Ocean Maritime Management vessels that are subject to the asset freeze (paras. 22 and 23)

Under the South-North Exchanges and Cooperation Act, the Korean Government's authorization is required for the operation of vessels between the Republic of Korea and the Democratic People's Republic of Korea

The Korean Government has prohibited all Democratic People's Republic of Korea-flagged vessels from entering its ports or passing through the maritime jurisdictional area of the Republic of Korea, in accordance with the South-North Exchanges and Cooperation Act, since the measures of 24 May 2010.

Under the Ship's Arrival and Departure Act and its enforcement decree, the Korean Government may require vessels to obtain permission for entry into ports from the Ministry of Oceans and Fisheries when necessary for national security. In particular, the Government does not permit entry into the ports of the Republic of Korea of vessels that have visited a port of the Democratic People's Republic of Korea during the previous 180 days.

Pursuant to resolution 2270 (2016), the Korean Government prohibits the entry into the ports of the Republic of Korea of the vessels specified in annex III to resolution 2270 (2016), as amended. If the vessels enter the ports of the Republic of Korea, they shall be subject to an asset freeze in accordance with resolutions 1718 (2006) and 2270 (2016).

The Korean Government also prohibits entry into its ports of any vessel if it has information that provides reasonable grounds to believe that the vessel is owned or controlled, directly or indirectly, by a designated individual or entity, or contains

cargo the supply, sale, transfer or export of which is prohibited by the relevant Security Council resolutions.

C. Export control (paras. 29, 30 and 31)

Ban on coal, iron and iron ore relating to programmes of weapons of mass destruction, and on gold, titanium ore, vanadium ore and rare earth minerals and fuel (paras. 29, 30 and 31)

Under the South-North Exchanges and Cooperation Act, the Korean Government's authorization is required for the transfer of all items between the Republic of Korea and the Democratic People's Republic of Korea. In accordance with the Act, the Government bans the transfer to the Democratic People's Republic of Korea of any item prohibited under the relevant Security Council resolutions.

Under the South-North Exchanges and Cooperation Act, the Foreign Trade Act, the Special Measures for Restrictions on Trade for the Maintenance of International Peace and Security and the Public Notice on the Trade of Strategic Goods, the Korean Government prohibits the transfer from the Democratic People's Republic of Korea, including through a third party, of coal, iron and iron ore, gold, titanium ore, vanadium ore and rare earth minerals. The Korean Government also prohibits the transfer to the Democratic People's Republic of Korea, including through a third party, of aviation fuel, jet fuel and rocket fuel in accordance with resolution 2270 (2016).

Currently, all trade between the Republic of Korea and the Democratic People's Republic of Korea is suspended.

D. Financial and economic sanctions (paras. 32, 33, 34, 35, 36 and 38)

1. Application of an asset freeze to all the funds, other financial assets and economic resources outside the Democratic People's Republic of Korea that are owned or controlled by entities of the Government of the Democratic People's Republic of Korea or the Worker's Party of Korea relating to programmes of weapons of mass destruction and by the persons or entities designated by the relevant Security Council resolutions (para. 32)

The Korean Government's asset-freezing powers are based on the Prohibition on the Financing of Offences of Public Intimidation and Proliferation of Weapons of Mass Destruction Act.

The Act gives the Financial Services Commission the power to designate persons or entities linked to terrorism or to the proliferation of weapons of mass destruction as "restricted persons or entities". Such persons or entities are subject to an asset freeze and are prohibited from financial transactions. The Act entered into force in December 2008, and the relevant sections were amended in May 2014 to deal with proliferation financing.

Persons or entities listed by the relevant Security Council resolutions or by the 1718 Committee are automatically designated as the "restricted persons or entities" by a Financial Services Commission notice, which is published in the *Official Gazette* and through the website of the Financial Intelligence Unit.

Financial institutions also subscribe to commercial services that monitor new designations and provide updated lists of restricted persons or entities to monitor. Designations take effect immediately. Furthermore, most financial institutions are using compliance software that is automatically updated on a real-time basis.

Foreign exchange transactions with individuals or entities designated as a target by the Korean Government are prohibited unless permission is granted by the Governor of the Bank of Korea.

According to the Foreign Exchange Transactions Act and its Enforcement Decree, when necessary for the maintenance of international peace and security, the Minister of Strategy and Finance may require residents and non-residents who intend to make a payment from the Republic of Korea to a foreign country, or residents who intend to make payments to non-residents or to receive payments from non-residents, to obtain permission when they make or receive such payments.

Furthermore, in accordance with the Guideline for the Allowance of Payment and Receipt to Fulfil the Obligation of Maintaining International Peace and Safety, which complies with the Foreign Exchange Transactions Act and its enforcement decree, an individual or entity designated as a target by the relevant Security Council resolutions or by the 1718 Committee, which are specified in the Guideline, is automatically designated for sanctions listing.

The Korean Government may also designate an individual or entity as a target if it deems such action necessary for national security and for the protection of its nationals.

2. Prohibition of opening new branches and offices of banks of the Democratic People's Republic of Korea in the Republic of Korea and the closing of the existing representative offices, subsidiaries or banking accounts of the Republic of Korea in the Democratic People's Republic of Korea within 90 days (paras. 33, 34 and 35)

There are no branches, subsidiaries or representative offices of banks of the Democratic People's Republic of Korea in the territory of the Republic of Korea. Two banks were once authorized by the Korean Government to operate representative offices in the Democratic People's Republic of Korea: one in the Kaesong industrial complex and another in the Mount Geumgang tourism district. The bank in the Mount Geumgang tourism district ceased operations in July 2008 and the bank in the Kaesong industrial complex closed after the complex had ceased operations in February 2016. Currently, there are no financial institutions of the Republic of Korea in the Democratic People's Republic of Korea.

3. Prohibition of public and private financial support that could contribute to the nuclear or ballistic missile programmes or other activities of the Democratic People's Republic of Korea (para. 36)

Under the South-North Cooperation Fund Act, the Korean Government makes decisions on whether to provide insurance or loans and on the limits of the amount to be provided if any person in the Republic of Korea who is engaged in trade with the Democratic People's Republic of Korea applies for insurance or loans.

Currently, all trade between the Republic of Korea and the Democratic People's Republic of Korea is suspended, and any provision of public and private financial support to the Democratic People's Republic of Korea from within the

territory of the Republic of Korea or persons or entities subject to the jurisdiction of the Republic of Korea will be prohibited, where such financial support could contribute to any of the activities prohibited under the relevant Security Council resolutions.

4. Implementation of recommendation 7 of the Financial Action Task Force (para. 38)

In order to implement recommendation 7 on targeted financial sanctions relating to proliferation, the Korean Government designated restricted persons and entities involved in financing connected to the proliferation of weapons of mass destruction. In accordance with the Prohibition on the Financing of Offences of Public Intimidation and Proliferation of Weapons of Mass Destruction Act and the relevant public notice issued by the Financial Services Commission, the Government imposes restrictions on financial transactions and asset transactions and on the disposition, such as transfer, gift, movement of possession or conversion of their original state, of movables, immovables, obligatory rights, other property or property rights.

E. Designation of additional individuals and entities for asset freeze (paras. 10, 11 and annexes I and II)

A total of 16 individuals and 12 entities listed in annexes I and II to resolution 2270 (2016) have been added to the list of individuals and entities subject to an asset freeze under the Prohibition on the Financing of Offences of Public Intimidation and Proliferation of Weapons of Mass Destruction Act and other national laws and regulations.

With regard to individuals working on behalf of or at the direction of a designated individual or entity, or of those assisting in the evasion of sanctions or violating the provisions of the relevant Security Council resolutions, the Korean Government prevents their entry into or transit through its territory by including them in the entry denial list based on the Immigration Control Act.

The Korean Government added the individuals listed in annex I to resolution 2270 (2016) as "priority control targets" on 3 March 2016, who will receive the same treatment as the persons included in the entry denial list.

F. Embargo on luxury goods (annex IV)

Under the South-North Exchanges and Cooperation Act, the Korean Government's authorization is required for the transfer of all items between the Republic of Korea and the Democratic People's Republic of Korea. In accordance with the Act, the Government bans the transfer to the Democratic People's Republic of Korea of any item prohibited under the relevant Security Council resolutions.

Under the South-North Exchanges and Cooperation Act, the Foreign Trade Act, the Special Measures for Restrictions on Trade for the Maintenance of International Peace and Security and the Public Notice on the Trade of Strategic Goods, the Korean Government prevents the transfer of luxury goods to the Democratic People's Republic of Korea.

In April 2016, the Korean Government revised the special measures to include the list of luxury goods additionally specified in annex IV (luxury watches, aquatic recreational vehicles, snowmobiles, items of lead crystal and recreational sports equipment) to resolution 2270 (2016). The special measures also include the categories of luxury goods that the Government designated in 2009 and 2013 following the adoption of Security Council resolutions 1874 (2009) and 2094 (2013), respectively.

Currently, all trade between the Republic of Korea and the Democratic People's Republic of Korea is suspended and there is no transfer of any luxury goods between the two countries.